

4. **Eagle Crest 7th Addition (DN)** 23
- Annexation | ANNX2016-004
Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny
 - Zoning Change (A to R5) | ZC2016-022
Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny
 - Final Plat | FPLT2017-002
Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny
5. **Edgewood Village 7th Addition 1st Replat (WH)** 31
- Zoning Change (R5 to R10) | ZC2017-001
Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny
 - Minor Subdivision Final Plat | MPLT2017-002
Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny
6. **Gibbs Substation Subdivision (WH)**
Final Plat | FPLT2017-001 39
- Gibbs Township
- Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny
7. **Southport Phase II (Klee)**
PUD Amendment | PUDA2017-001 47
- Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny
8. **Lot 46, Block 2, Sonnet Heights Subdivision 1st Replat (WH)**
Special Use Permit (Drive-Through Service) | SUP2017-001 59
- Staff recommendation: approve ☐ approve ☐ continue ☐ table ☐ deny

OTHER BUSINESS

9. **Public Hearing Procedures and Protocol – Discussion**
10. **Other**

ADJOURNMENT

11. **Adjourn.** The next regular meeting date is scheduled for **April 26 2017.**

Enclosures: Meeting Minutes of February 22, 2017
Building Permit Activity Month to Date Report for February 2017
Building Permit Activity Year to Date Report for February 2017



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 2

March 22, 2017

Application for: Zoning Change

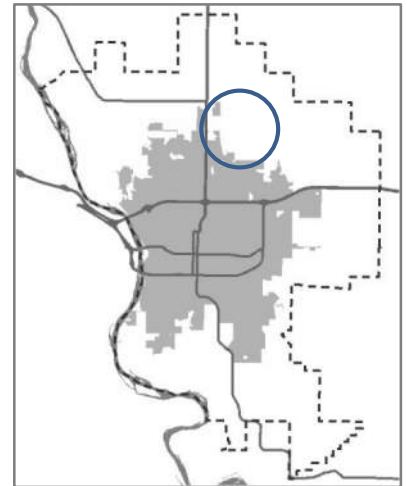
Major Subdivision Preliminary Plat

TRAKiT Project ID: ZC2017-003

PPLT2017-001

Project Summary

Title:	Last Chance Subdivision
Status:	Planning & Zoning Commission – Consideration
Owner(s):	Pete and Elaine Brendel
Project Contact:	Dave Thompson, PE, Toman Engineering
Location:	Northeast of Bismarck, between 71 st Avenue NE and 57 th Avenue NE, along the west side of 26 th Street NE.
Project Size:	40.13 acres
Request:	Plat and rezone property for rural residential development.



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	3 parcels	Number of Lots:	20 lots in 2 blocks
Land Use:	Undeveloped	Land Use:	Rural residential
Designated GMP Future Land Use:	Conventional Rural Residential	Designated GMP Future Land Use:	Conventional Rural Residential
Zoning:	A – Agricultural	Zoning:	RR – Residential
Uses Allowed:	A – Agriculture	Uses Allowed:	RR – Large lot single-family residential and limited agriculture
Max Density Allowed:	A – 1 unit / 40 acres	Max Density Allowed:	RR – 1 unit per 65,000 square feet

Property History

Zoned:	N/A	Platted:	N/A	Annexed:	N/A
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Staff Analysis

The applicant is requesting approval of a zoning change from the A – Agriculture zoning district to the RR – Residential zoning district and tentative approval of a major subdivision preliminary plat titled Last Chance

Subdivision. The proposed subdivision would consist of 20 lots in 2 blocks.

The Future Land Use Plan in the 2014 Growth Management Plan, as amended, identifies this area as rural residential. The proposed subdivision would be
(continued)

compatible with adjacent land uses. Adjacent land uses include rural residential to the north, east and west, and undeveloped agriculturally-zoned land to the south.

Required Findings of Fact (relating to land use)

Zoning Change

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
4. The Hay Creek Township Board of Supervisors has not yet made a recommendation on the proposed zoning change;
5. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
6. The zoning change is in the public interest and is not solely for the benefit of a single property owner;
7. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
8. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
9. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Preliminary Plat

1. All technical requirements for consideration of a preliminary plat have been met;
2. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;

3. The provision of neighborhood parks and open space is not needed because the proposed preliminary plat is not an urban subdivision with residential zoning districts;
4. The proposed subdivision would likely not have a substantial effect on circulation and safety of public roadways in the vicinity, and therefore no traffic impact study is required.
5. The Hay Creek Township Board of Supervisors has not yet made a recommendation on the proposed preliminary plat;
6. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed;
7. The proposed subdivision is not located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or an area that is topographically unsuited for development;
8. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
9. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
10. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends scheduling a public hearing for the zoning change from the A – Agricultural zoning district to the RR – Residential zoning district and tentative approval of the major subdivision preliminary plat for Last Chance Subdivision.

Attachments

1. Location Map

(continued)

2. Future Land Use Plan / Zoning Map

3. Preliminary Plat

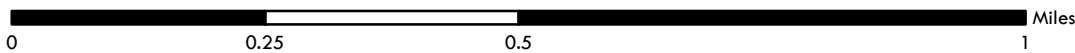
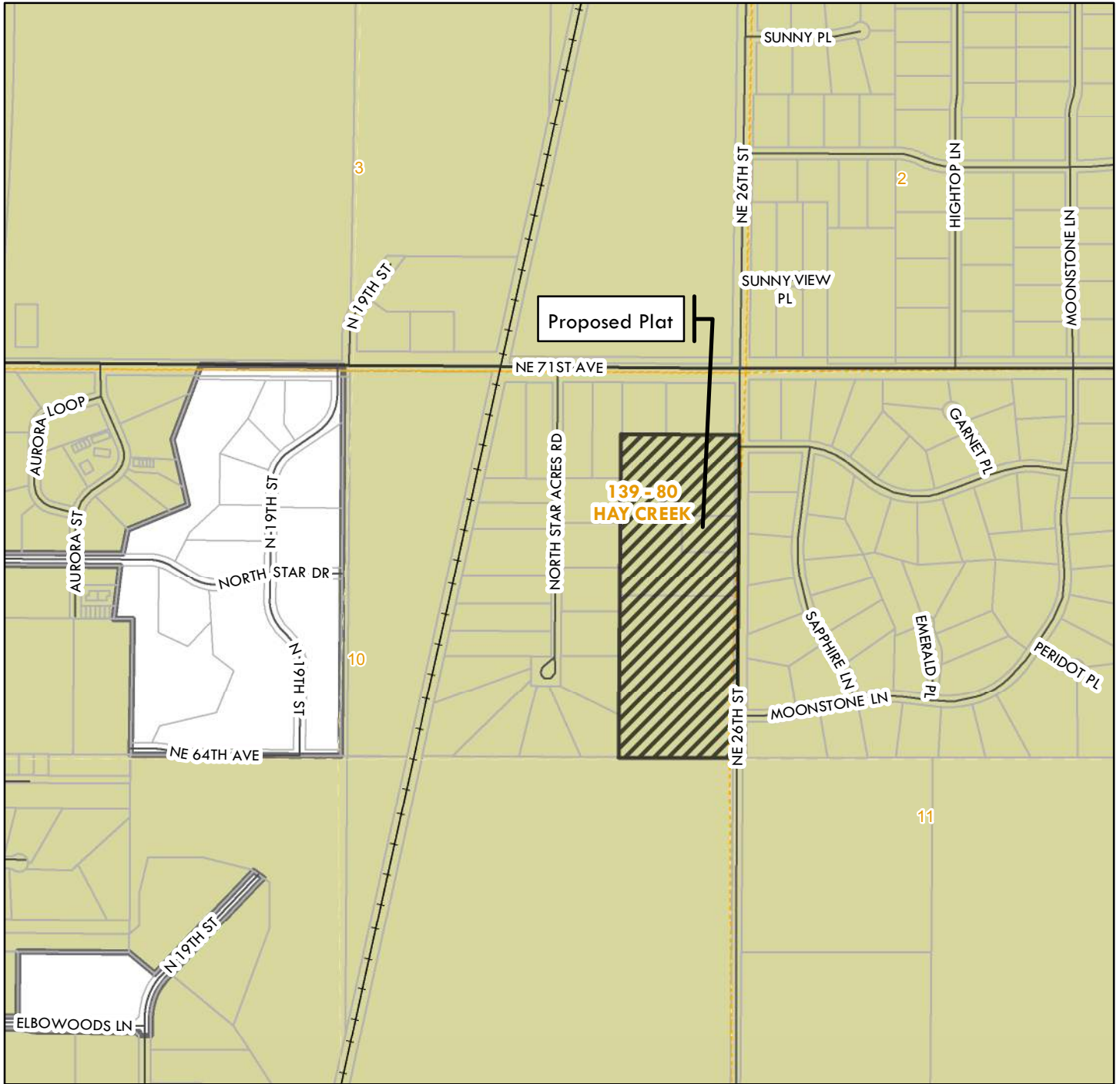
Staff report prepared by: Jenny Wollmuth, CFM

701-355-1845 | jwollmuth@bismarcknd.gov



Last Chance Subdivision Plat and Zoning Change (A to RR)

Project
Location Map

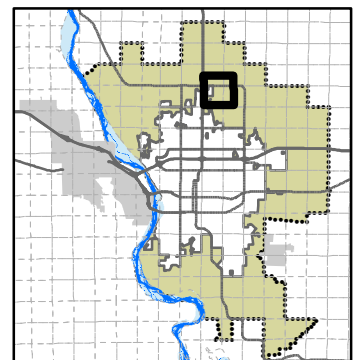


City Limits



Bismarck ETA Jurisdiction

Section, township, and
range indicated in orange



City of Bismarck
Community Development Department
Planning Division
February 17, 2017 (HLB)

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



Proposed Zoning Change (A to RR)

Last Chance Subdivision

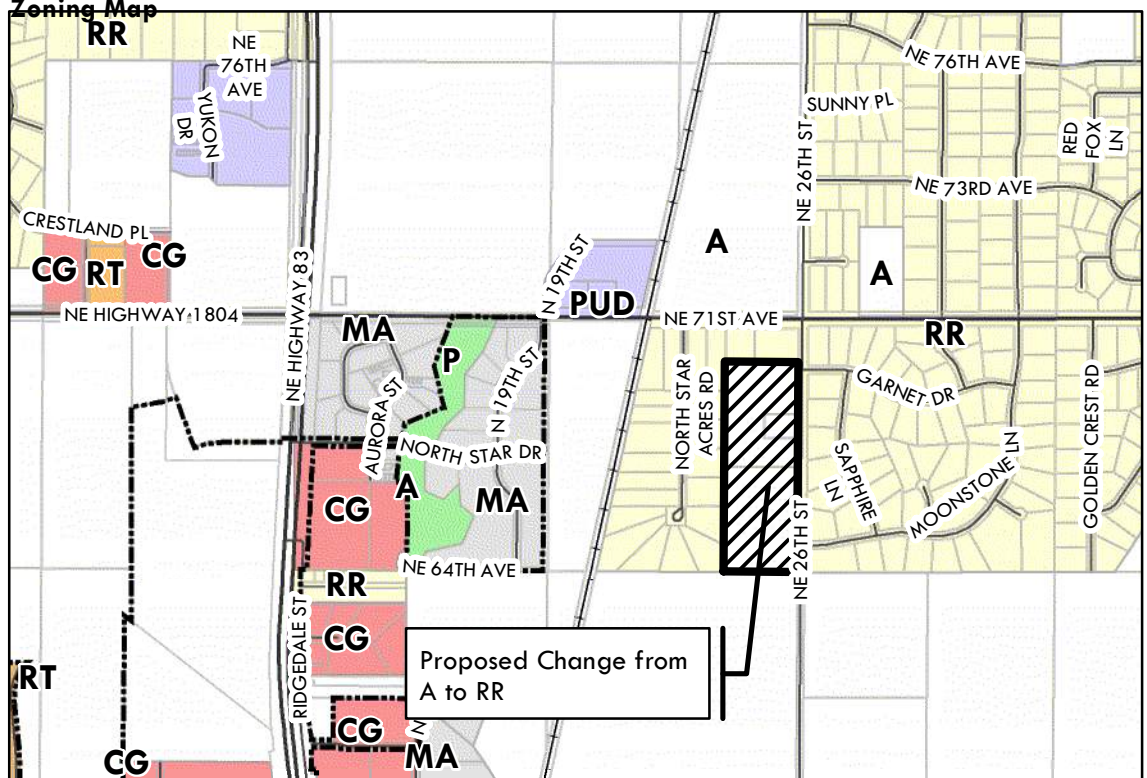
Zoning and Plan
Reference Map

- Project Area - No Change Proposed
- Zoning or Plan Change Proposed

Zoning Districts

A	Agriculture
RR	Rural
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

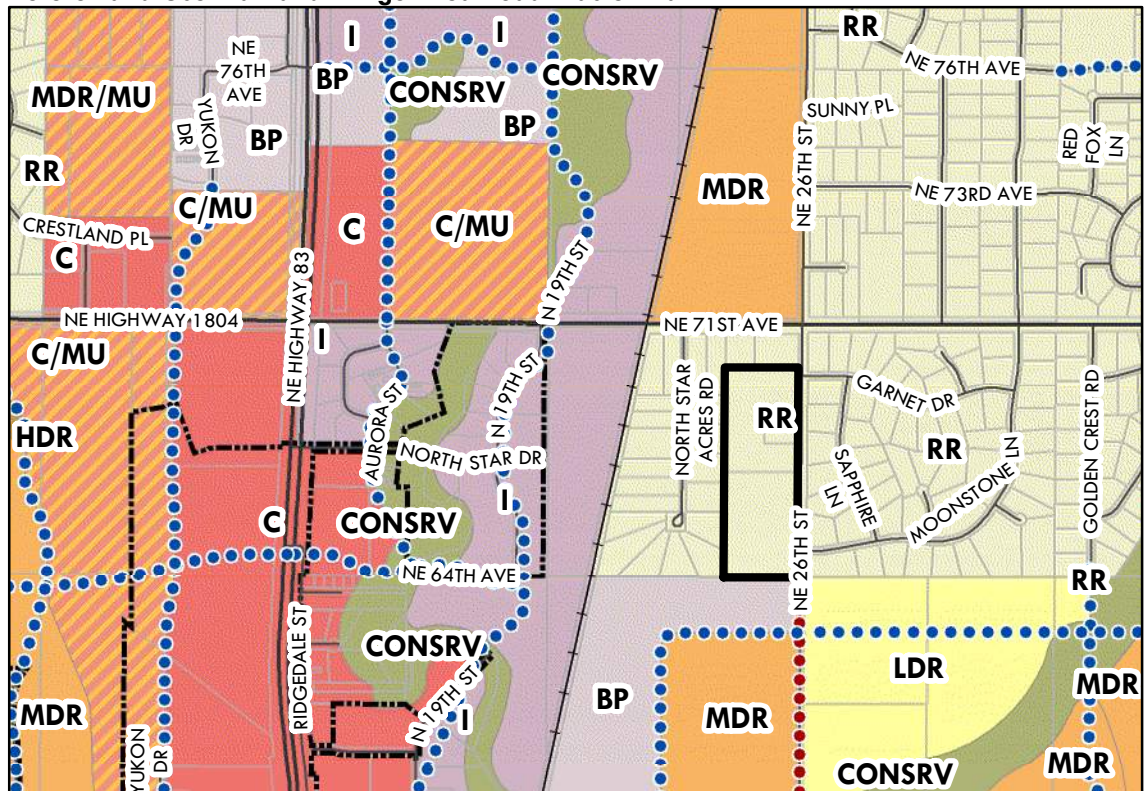
Zoning Map



Future Land Use Plan and Fringe Area Road Master Plan

Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/Mixed Use
MU	Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve



Fringe Area Road Master Plan

- Planned Arterial
- Planned Collector

0 0.3 0.6 1.2 Miles

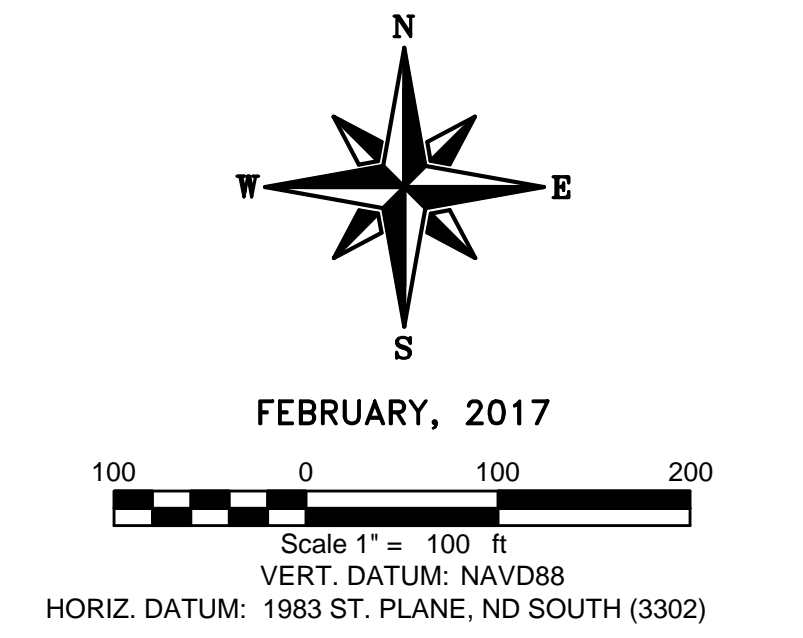
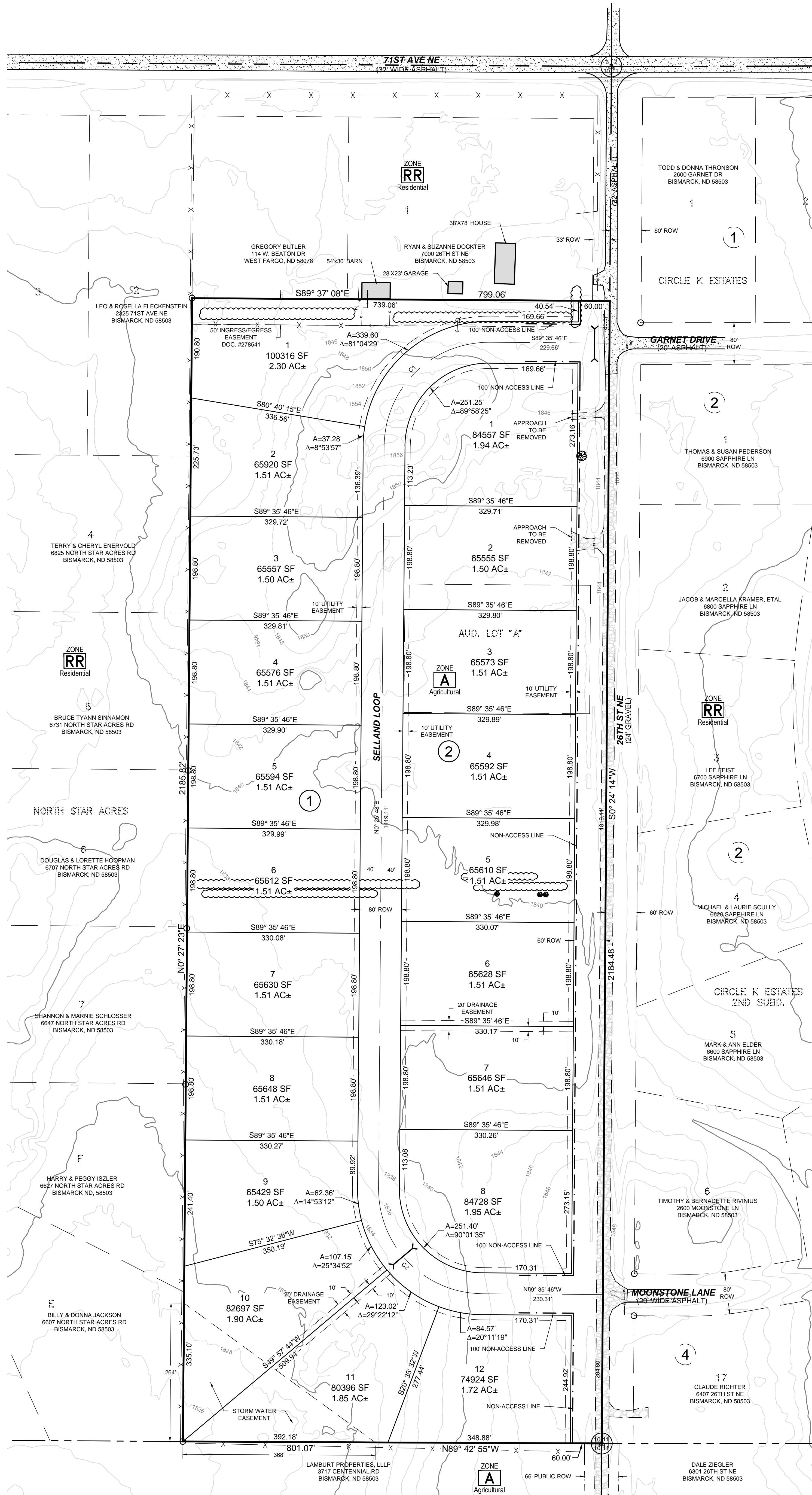
City Limits

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



City of Bismarck
Community Development Dept.
Planning Division
March 8, 2017

PRELIMINARY PLAT OF
LAST CHANCE SUBDIVISION
OF BURLEIGH COUNTY, NORTH DAKOTA
PART OF THE NE1/4 INCLUDING AUDITOR'S LOT "A" OF SAID NE1/4,
SECTION 10, T139N-R80W OF BURLEIGH COUNTY, NORTH DAKOTA



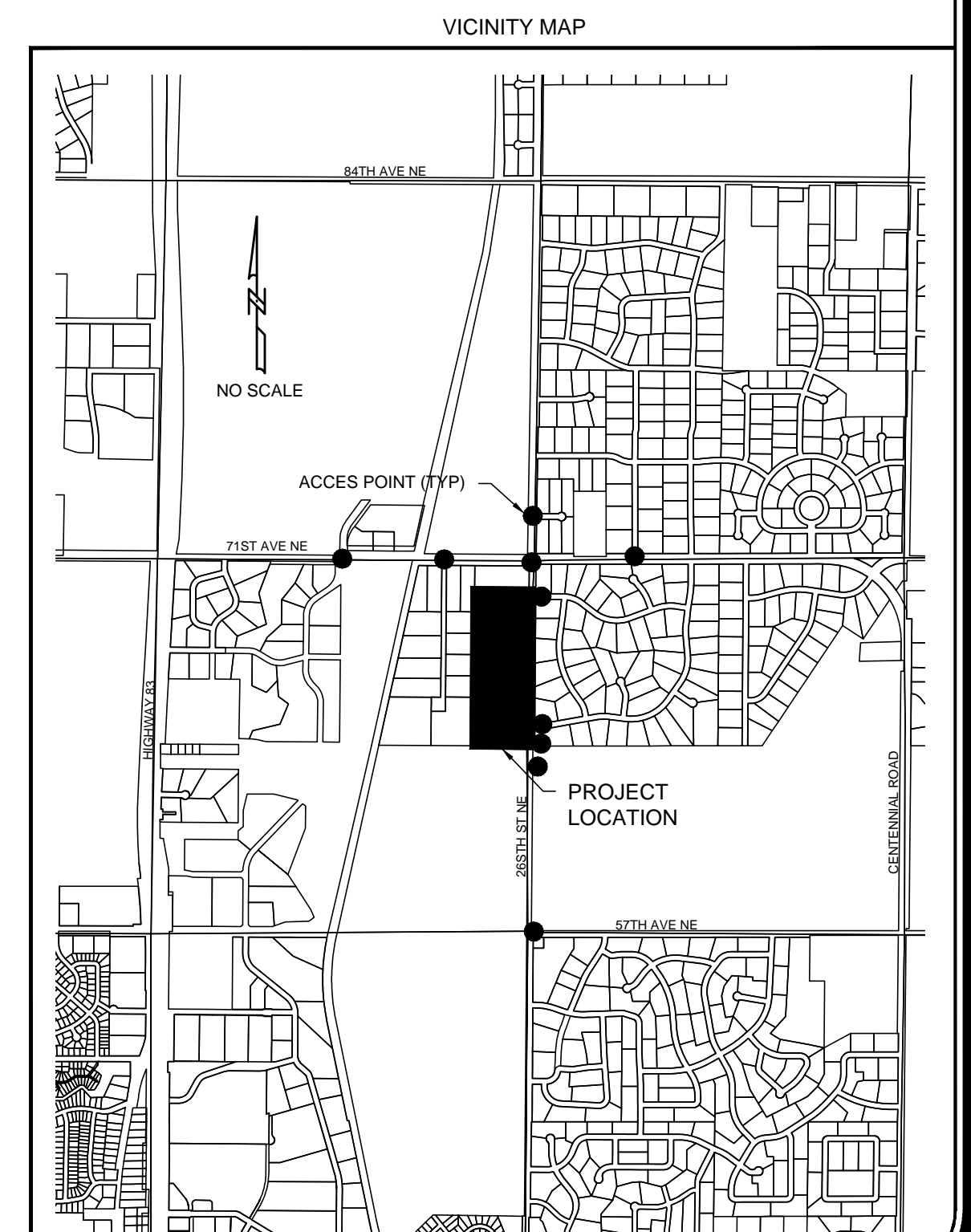
- LEGEND**
- △ FOUND SECTION/QUARTER CORNER
 - FOUND PROPERTY CORNER
 - EXISTING UTILITY POLE
 - EXISTING GUY WIRE/ANCHOR POLE
 - EXISTING TREE
 - SS — SS — EXISTING CULVERT (SEE NOTE 4)
 - INDEX CONTOUR
 - INTERMEDIATE CONTOUR
 - X — EXISTING FENCE LINE
 - TREE ROW
 - GRAVEL ROAD
 - ASPHALT ROAD
 - BUILDING
 - PROPOSED 24" CULVERT

- NOTES:**
1. BEARINGS AND DISTANCES MAY VARY FROM PREVIOUS DOCUMENTS OF RECORD DUE TO DIFFERENT METHODS OF FIELD MEASUREMENT.
 2. CONTOURS BASED ON DATA PROVIDED BY BISMARCK/MANDAN MPO DATED MARCH, 2016.
 3. THIS PROPERTY IS NOT LOCATED WITHIN THE 100-YEAR FLOOD PLAIN PER NFIP MAPS 38015C0595D (EFFECTIVE DATE: 8/4/2014) AND 38059C0510D (EFFECTIVE DATE: 4/19/2005).
 4. EXISTING CULVERT LOCATIONS ARE APPROXIMATE. NO SIZES OR INVERTS COULD BE DETERMINED DUE TO EXTREME SNOW COVER.
 5. NO APPROACHES OR OTHER TYPES OF ACCESS WILL BE ALLOWED ALONG THE WEST ROW OF 26TH ST NE.
 6. LOT ACREAGE 32.74
STREET ACREAGE 7.39
TOTAL ACREAGE 40.13

OWNER:
PETE & ELAINE BRENDL
3022 SLEEPY HOLLOW LOOP
BISMARCK, ND 58501

BASIS OF BEARING:
BASIS OF BEARING: EAST BOUNDARY LINE:
SOUTH 00° 24' 14" WEST

CENTERLINE STREET CURVE TABLE					
CURVE #	DELTA	RADIUS	LENGTH	CHORD BEARING	CHORD LENGTH
C1	89°58'25"	200.00'	314.07'	N45° 25' 01"E	282.78'
C2	90°01'35"	200.00'	314.25'	N44° 34' 59"W	282.91'





STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 3

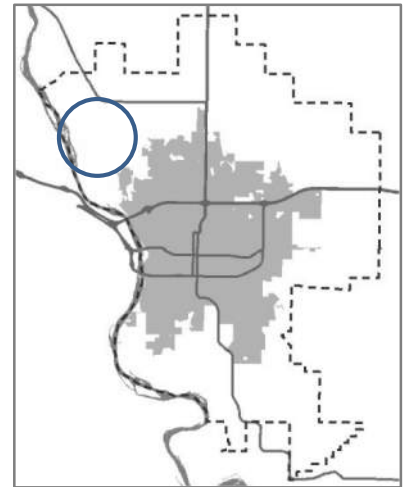
March 22, 2017

Application for: Major Subdivision Preliminary Plat

TRAKiT Project ID: FPLT2016-011

Project Summary

Title:	Freedom Ranch Subdivision
Status:	Planning & Zoning Commission – Public Hearing (continued)
Owner(s):	Sharon Spaedy (Current Owner) Great Plains Land (Applicant)
Project Contact:	Dave Patience, Swenson, Hagen & Co. P.C.
Location:	Northwest of Bismarck, west of River Road, south of Sandy River Drive and approximately 650 feet south of the termination of Fernwood Drive.
Project Size:	13.21 acres
Request:	Plat property as one rural residential lot.



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	Unplatted	Number of Lots:	1 lot in 1 Block
Land Use:	Undeveloped	Land Use:	Rural Residential
Designated GMP Future Land Use:	Conventional Rural Residential	Designated GMP Future Land Use:	Conventional Rural Residential
Zoning:	RR – Residential	Zoning:	RR – Residential
Uses Allowed:	RR – Large lot single-family residential and limited agriculture	Uses Allowed:	RR – Large lot single-family residential and limited agriculture
Max Density Allowed:	RR – 1 unit per 65,000 square feet	Max Density Allowed:	RR – 1 unit per 65,000 square feet

Property History

Zoned:	Pre-1980	Platted:	N/A	Annexed:	N/A
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Staff Analysis

The proposed plat is being requested to allow development of one single-family rural residential home in a one lot subdivision.

Prior Board Actions

The Planning and Zoning Commission tentatively approved the preliminary plat for Freedom Ranch Subdivision and recommended scheduling a public hearing for the proposed zoning change at their meeting of December 21, 2016. The Planning and Zoning Commission held a public hearing on February 22, 2017 and continued action on the proposed final plat in order to provide the Hay Creek Board of Supervisors time to review and provide a recommendation on the revised final plat.

Access

Section 14-02-03 of the City Code of Ordinances (Definitions) states, "a zoning lot must have a dedicated public right-of-way or permanent, exclusive, non-obstructed access easement to a dedicated public right-of-way, not less than twenty feet wide." A copy of this section of the ordinance is attached.

The proposed subdivision would be accessed through a series of physical access easements and legal access easements starting from Sandy River Drive to the proposed subdivision. An existing access easement exists for a portion of the proposed access route. The remaining portion of the proposed access route is located over the northern 20 feet of Government Lot 1, Section 24, Township 139N, Range 81W, which is located directly to the east of the proposed subdivision. This physical access is an unimproved access and is located on land which will be owned by the applicant once the final plat is recorded. An access easement has been signed and will be recorded to provide legal use of the current physical access facility to the proposed subdivision. This access easement will also legitimize the use by the two rural residences located on unplatted lots located to the northwest of the proposed subdivision, that are currently using the physical access. This easement stipulates that the access easement will be terminated upon future development of Fernwood Drive. A copy of this easement is attached.

Fernwood Drive, which follows the section line, is currently not improved from approximately 650 feet north of the proposed plat to the northern boundary of the plat. Right-of-way has only been platted for portions of this 650 feet, and the rest is covered by the 66 feet of statutory section line right-of-way. The development and extension of Fernwood Drive was determined to not be feasible at this time, however it is identified as a future arterial in the Fringe Area Road Master Plan.

Although no new public right-of-way will be dedicated with the proposed plat, Burleigh County was consulted regarding the proposed means of access to the proposed plat. The Planning Division of the Community Development defers to the County Engineer for rights-of-way/access to properties located within the extraterritorial area. A waiver from Burleigh County's Gravel Road Improvement Policy was granted by the Burleigh County Commission at their October 17, 2016 meeting and was modified to be consistent with the proposed final plat at their February 6, 2017 meeting.

Safety Concerns

Emergency Combined Communications noted that the lack of public roads in this plat may be a public safety issue. Additionally, they indicated that access needs to be able to support emergency vehicle access.

Bismarck Rural Fire was consulted to review and provide feedback about the use of the private access easements for the proposed plat. In a letter dated February 1, 2017, Fire Chief Michael Voight indicated that Rural Fire has concerns about the current physical construction of the road within the private easement and requested that the access be improved to support emergency vehicle access year round. Additionally, emergency response time was indicated as a safety concern. He indicated that all properties served off the access easement should be adequately signed to avoid address confusion during an emergency call. A copy of this letter is attached.

Township Concurrence

The Hay Creek Board of Supervisors has provided a recommendation for approval for the proposed final subdivision plat with the following notes:

(continued)

1. We acknowledge the “private access” currently used by multiple (5+/-) parties, will continue to be utilized, maintained and serviced privately.
2. The Township agrees with Rural Fire – access roads should be upgraded to Township/County standards- this is recommended but not mandated as the associated costs would be borne by the benefitting property owners. At a minimum, additional signage should be installed for directional clarification of individual home ownership.
3. In the future, should Fernwood Drive be extended south (as additional/primary access) developmental issues and costs will be funded by the developer.

Floodplain Development

The entire proposed subdivision is located within the SFHA or 100-year floodplain. Development within this area must comply with Section 14-04-19 of the City Code of Ordinances (FP – Floodplain District). In addition, a Floodplain Development Permit must be obtained prior to any development.

For RR-Residential zoned properties abutting the Missouri River, additional development standards apply. Section 14-04-01(11) of the City Code of Ordinances (RR Residential District) states that at all structures and on-site sewage treatment facilities shall be setback a minimum of 100 feet from the ordinary high water mark of the Missouri River has indicated on the plat. The ordinary high water mark is delineated on the plat and is defined as “the elevation of the Missouri River at a flow rate of 33,000 cubic feet per second.” A copy of this section of the ordinance is attached.

Required Findings of Fact (relating to land use)

1. All technical requirements for approval of a final plat have been met;
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission;

3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;
4. The stormwater management plan for the subdivision has been approved by the City Engineer with written concurrence from the County Engineer;
5. The provision of neighborhood parks and open space is not needed because the proposed final plat is not an urban subdivision with residential zoning districts;
6. The Hay Creek Township Board of Supervisors has recommended approval of the proposed preliminary plat but has not yet recommended approval of the proposed final plat;
7. The proposed subdivision is located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain. However, the subdivision is proposed to be developed according to existing ordinance requirements pertaining to development in the floodplain and therefore, the proposed development would not adversely impact water quality and/or environmentally sensitive lands,
8. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
9. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
10. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the final plat of Freedom Ranch Subdivision.

Attachments

1. Section 14-02-03 of the City Code of Ordinances
2. Section 14-04-01(11) of the City Code of Ordinances

(continued)

- | | |
|------------------------------------|--|
| 3. Location Map | 7. Hay Creek Township Resolution |
| 4. Future Land Use Plan/Zoning Map | 8. Access Easement |
| 5. Final Plat | 9. Bismarck Rural Fire Department |
| 6. Preliminary Plat | Correspondence, dated February 1, 2017 |
-

Staff report prepared by: Will Hutchings, Planner
701-355-1850 | whutchings@bismarcknd.gov

Section 14-02-03

Lot-Zoning: A tract of land occupied or to be occupied by a principal building and its accessory buildings, together with such open spaces and yards as are required under the provisions of this article, having not less than the minimum area required by this ordinance for a zoning lot in the district in which such land is situated and having its principal frontage on a dedicated public right-of-way or a permanent, exclusive, nonobstructed access easement to a dedicated public right-of-way, not less than twenty feet wide. A "zoning lot" need not necessarily coincide with a "record lot" and may consist of: 1) a single record lot; 2) a portion of a record lot; or 3) a combination of complete record lots, or complete record lots and portions of record lots, or portions of record lots.

Section 14-04-01(11)

Additional Development Standards for Land Abutting the Missouri River. In order to preserve and enhance the environmental and recreational qualities of the Missouri River, conserve the scenic and historic values of the Missouri River shoreland, protect shoreland development from river bank erosion, and provide for the wise use of the river and related land resources, the following additional development standards are hereby established for land abutting the Missouri River platted after November 25, 2003:

- a. Structure Setbacks. All structures shall be setback a minimum of 100 feet from the ordinary high water mark of the Missouri River.
- b. Design Criteria. Structures should be placed and designed in a manner as to reduce visibility as viewed from the river and adjacent shoreland by vegetation, topography or the color of the structure, assuming summer, leaf-on conditions.
- c. Impervious Surface Coverage. The percentage of lot covered by impervious surfaces (structures, paved surfaces, etc.) shall not exceed 25 percent of the lot area.
- d. On-Site Sewage Treatment Facility Setbacks. All sewage treatment facilities, including drainfields, shall be setback a minimum of 100 feet from the ordinary high water mark of the Missouri River.
- e. Stairways, Lifts and Landings. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts must meet the following design requirements:
 - 1) stairways and lifts shall not exceed four feet in width; 2) landings for stairways and lifts shall not exceed 32 square feet in area; 3) canopies or roofs are not allowed on stairways, lifts or landings; 4) stairways, lifts and landings may be constructed on posts/pilings or placed in the ground, provided they are designed and built in a manner than controls soil erosion, meets building code requirements, and does not affect the integrity of bank stabilization projects.
- f. Boat Docks. The placement of boat docks shall be allowed in accordance with the requirements of the North Dakota Century Code and any other applicable regulations.
- g. Shore Impact Zone. Structures and accessory facilities, except stairways and landings, shall not be placed within a shore impact zone.
- h. Steep Slopes. For structures and/or facilities to be placed on steep slopes, the Building Official may attach conditions on the building permit to prevent erosion and preserve existing vegetation.

i. Vegetation Alterations. Intensive vegetative clearing within the shore impact zone and on steep slopes is prohibited. Limited clearing of vegetation is permitted in order to provide a view of the river from the principal dwelling site and to accommodate the placement of permitted stairways, lifts or landings. Removal of vegetation that is dead, diseased or that poses a safety hazard is allowed.

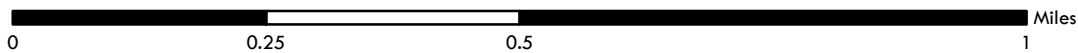
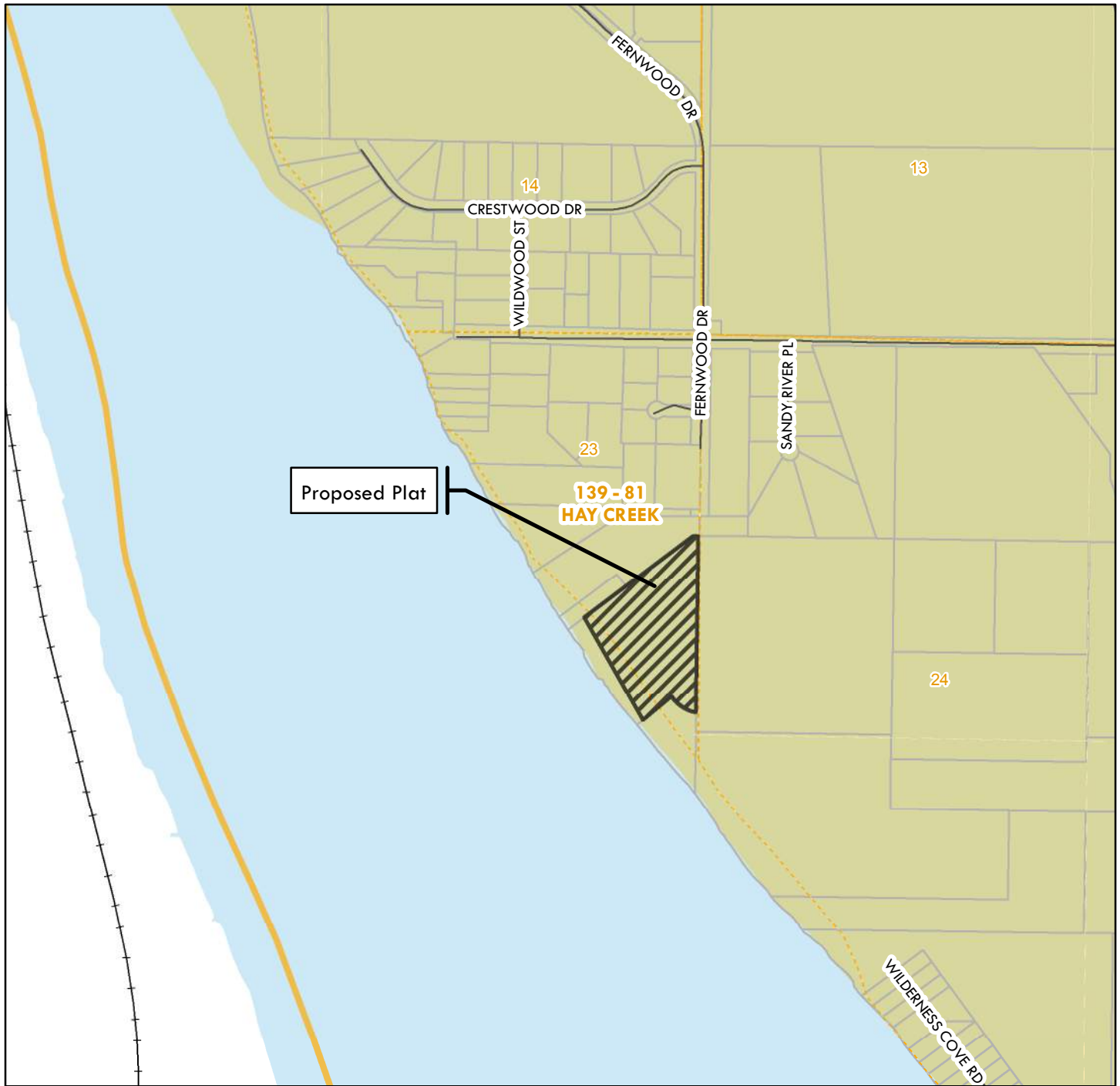
j. Topographic Alterations Above the Ordinary High Water Mark. Grading, filling and excavation necessary for the construction of structures, sewage treatment systems or driveways under validly issued permits shall be allowed. Notwithstanding any other applicable regulations, any other topographic alterations must meet the following standards: 1) alterations shall not adversely affect adjacent or nearby properties; and 2) alterations must be designed and conducted in a manner that minimizes soil erosion, including the installation of erosion control measures as needed.

k. Topographic Alterations Below the Ordinary High Water Mark. All topographic alterations below the ordinary high water mark must be approved by the United States Army Corps of Engineers.



Freedom Ranch Subdivision

Project
Location Map



City Limits

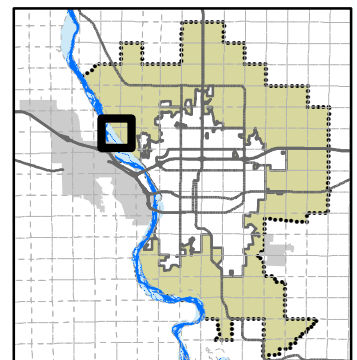
Bismarck ETA Jurisdiction

Section, township, and
range indicated in orange



City of Bismarck
Community Development Department
Planning Division
January 31, 2017 (HLB)

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

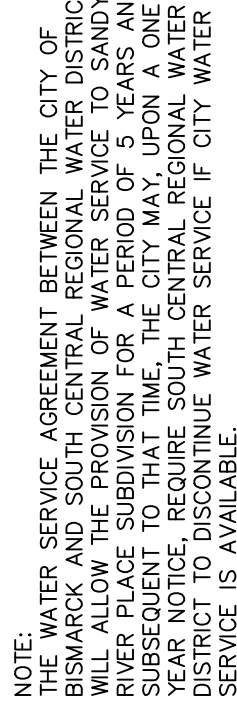


City of Bismarck
Community Development Dept.
Planning Division
March 17, 2017

BURLEIGH COUNTY, NORTH DAKOTA

THE ABOVE DESCRIBED TRACT CONTAINS 13.21 ACRES, MORE OR LESS

909 Basin Avenue
Bismarck, North Dakota 58504
sheng@swensonhagen.com
Phone (701) 223 - 2600
Fax (701) 223 2606



BASIS OF BEARING:
NORTH DAKOTA STATE PLANE, SOUTH ZONE BY

COORDINATE DATUM:

SYSTEM
NAD 83 SOUTH ZONE
ADJUSTMENT OF 1985
UNITS ARE INTERNATIONAL FEET

BEARINGS AND DISTANCES MAY VARY FROM
PREVIOUS PLATS DUE TO DIFFERENT METHODS
OF MEASUREMENTS.

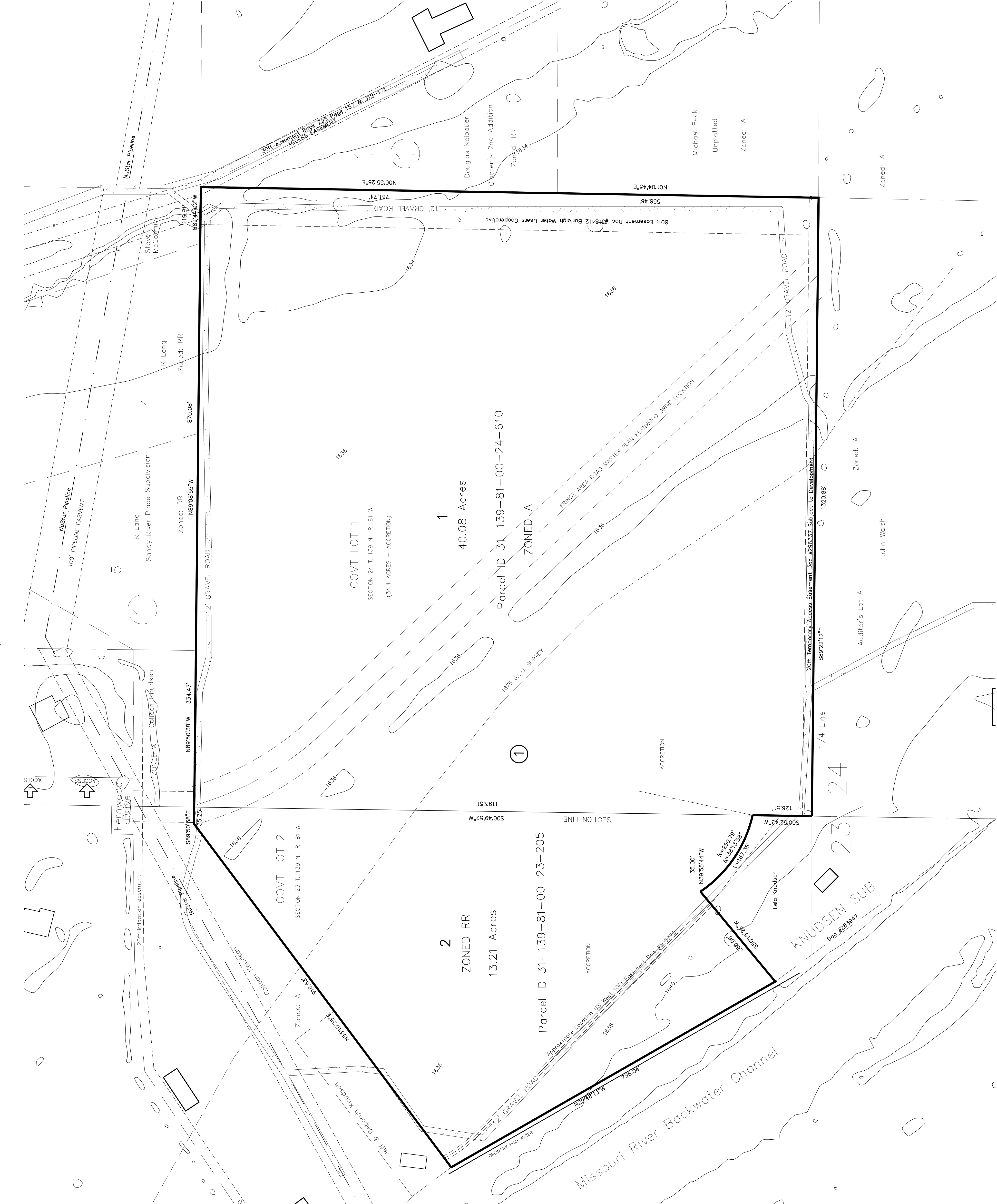
STORMWATER & DRAINAGE EASEMENTS EXTEND
ACROSS THE PIPELINE EASEMENT AND TO
THE SOUTHERN BOUNDARY OF THE PLAT

BENCH MARK MPO MONUMENT B40-13 1638.0

FREEDOM RANCH SUBDIVISION

GOV'T LOT 1 AND ACCRETED LANDS SECTION 24, T. 139 N., R. 81 W.,
PART OF GOV'T LOT 2 AND ACCRETED LANDS SECTION 23 T. 139 N. R. 81 W.

BURLEIGH COUNTY, NORTH DAKOTA

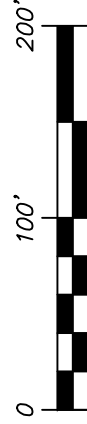
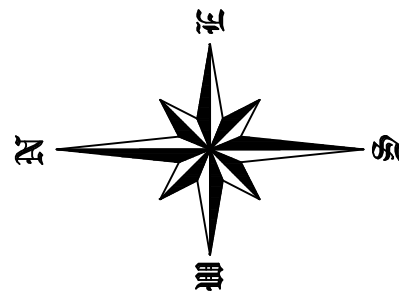


LOCATION MAP

FEMA FLOOD INSURANCE RATE
MAP COMMUNITY PANEL NUMBER
38015C0780D DATED
AUGUST 4, 2014
FLOOD PLAIN ELEVATION 1639.7
(NAVD 88)

53.3 ACRES
EXISTING ZONING: A/RR
2 LOTS

OWNER: BROOK MAIER
GREAT PLAINS LAND
ADDRESS: 1301 EAST FRONT AVE
BISMARCK, ND 58504
PHONE: (701) 320-7662



SCALE - 1" = 100'

VERTICAL DATUM: NAVD 88

NOVEMBER 17, 2016

SWENSON, HAGEN & COMPANY P.C.
909 Basin Avenue
Bismarck, North Dakota 58504
Surveys, Engineering, Construction Management
Phone (701) 223-2600
Fax (701) 223-2606

Surveying
Mapping
Land Surveying
Land Engineering
Civil Engineering
Landscape & Site Design
Construction Management

WE, THE BOARD OF TOWNSHIP SUPERVISORS OF HAY CREEK TOWNSHIP,
BURLEIGH COUNTY, NORTH DAKOTA, HAVE BEEN ADVISED OF THE
PROPOSED PLAT OF FREEDOM RANCH SUBDIVISION AND HEREBY
RECOMMEND TO THE BOARD OF CITY COMMISSIONERS THAT SAID PLAT
BE (APPROVED) ~~XXXXXXXXXX~~ WE FURTHER RECOMMEND ACCEPTANCE OF
(easements and access)
THE RIGHTS-OF-WAY SHOWN ON SAID PLAT BY THE BURLEIGH COUNTY
BOARD OF COUNTY COMMISSIONERS ON OUR BEHALF (PLEASE ATTACH
CONDITIONS, IF ANY, TO THE BOARD'S ACTION.)

APPROVAL WITH THE FOLLOWING NOTES:

APPROVAL WITH THE FOLLOWING NOTES:

- 1) We acknowledge the "private access" currently used by multiple (5+/-) parties, will continue to be utilized, maintained and serviced privately.
- 2) The Township agrees with Rural Fire- access roads should be upgraded to Township/County standards- this is recommended but not mandated as the associated costs would be borne by benefitting property owners. At a minimum, additional signage should be installed for directional clarification of individual home ownership.
- 3) In the future, should Fernwood Drive be extended south (as additional/primary access) developmental issues and costs will be funded by the developer.


CHAIRMAN, TOWNSHIP BOARD

Allen L. Meyer
ATTEST: TOWNSHIP CLERK

ACCESS EASEMENT
GOVERNMENT LOT 1 SECTION 24, T 139 N, R 81 W.
BURLEIGH COUNTY, NORTH DAKOTA

Know all men by these presents that Sharon E. Spady, Bismarck, North Dakota being the owner and proprietor of the properties described below does hereby grant an "Access Easement" for the benefit of the owner of Government Lot 2 and all unplatted properties within section 23, township 139 north, range 81 west, Burleigh County, North Dakota, their heirs and assigns to run with the land for pedestrian and vehicular traffic.

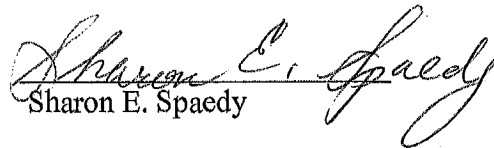
DESCRIPTION

The north 20 feet of Government Lot 1 Section 24, Township 139 North, Range 81 West of the 5th Principal Meridian, Burleigh County, North Dakota.

Said "Access Easement" being granted for all land owning parties of said unplatted lands in section 23 their tenants, visitors and licensees, said access easement to include the full and free right for said parties, their tenants, visitors and licensees, in common with all others having like right at all times hereafter for all purposes connected with the use of said parties, to pass and repass along said easement and to hold said easement to said parties, their heirs and assigns and appurtenant to the land of said parties. The grantee shall be responsible for the improvement and maintenance of the above described "Access Easement".

Said Easement is to remain in effect until such time as the construction of Fernwood Drive is extended to intersect the north line of Government Lot 1.

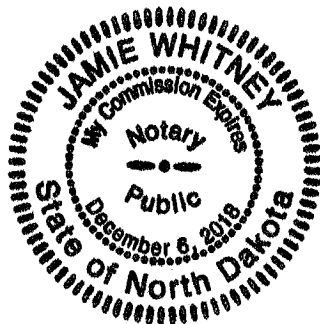
Except as herein granted the Grantor shall continue to have the full use of the property described herein. The Grantee shall hold the Grantor harmless from any claim of damages to the person or premises resulting from the use thereof.

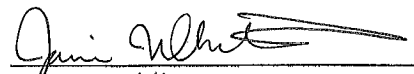

Sharon E. Spady

State of North Dakota)

County of Burleigh)

On this 13 day of February, 2017, before me personally appeared Sharon E Spady, known to me to be the person described in and who executed the foregoing instrument and acknowledged to me that such executed the same.




Notary Public
Burleigh County, ND
My Commission Expires 12-6-18



Bismarck Rural Fire Department

5800 East Main
Bismarck, ND 58501

"Dedicated to the people we serve"

Phone (701)-258-5792
FAX (701)-258-2868

February 1, 2017

RE: Freedom Ranch Plat Access

Sent via e-mail
William Hutchings, Planner
Community Development Department
Bismarck, ND

Mr. Hutchings:

Thank you for allowing the Bismarck Rural Fire Department to assist your office in reviewing the proposed final plat for the Freedom Ranch located NW of Bismarck in our Fire Protection District.

After looking over the materials provided by your office I have concerns that I feel should be addressed prior to allowing this project to move forward. My biggest concern is that the plan utilizes a 'private road' to potentially make access to three residences. Historically what the construction of a private road consists of has been left up to the interpretation of whomever is building the road.

We recently experienced a structure fire, adjacent to an occupied home, at the end of a long and narrow private road like the one being proposed here. We literally could not fight the fire in the building of origin because we had to conserve water and use it to keep the nearby home from burning. The private road was so long and narrow we could not establish an effective firefighting system on it which caused us to have to sacrifice property to ensure we had the resources needed to protect the primary dwelling.

I understand that the long-term plan is to eventually extend Fernwood Dr. south through this subdivision but until that happens the proposed private road should, at the very least, be required to be built to all applicable county standards for drainage, width, compaction, grade, slope, etc. Doing so will not only ensure that this road is usable in an emergency but it has the added benefit that it can be maintained as a secondary egress for the subdivision when additional property is added at a later date.

As it stands now the proposed private road runs through areas prone to flooding, water pooling following rain, snow drifts, and mud. These conditions make access in a private vehicle difficult let alone trying to do it in our trucks. Without some requirement to ensure a properly designed road is provided we essentially are creating unnecessary risk.

I am also concerned about how this location will be signed and addressed. We are finding these long private roads leading to homes in the county are often either not signed at all or so poorly signed it is hard to tell what exactly they are for. Compounding this problem is when we (and other responders) use a CAD computer to respond to these private road locations the system typically directs us to a location of the address but we then discover the actual location of the incident is much farther away, on a private road, that does not appear in the CAD system, and in a different location that should technically be a different address but the address being used is where the private road meets the nearest road. Again, if this junction is not well signed it can be very easy to not know that a private road exists and it could appear to lead into nowhere when it may actually go some distance to a dwelling.

My final concern is that this is the only way in and out of this location.

In summary, the Fire Department is willing to agree to allowing these homes to be served in the short term by a private road as long as the private road meets all applicable county standards for an actual road. Once Fernwood Dr. is extended this private road could continue to be used for secondary entrance and egress which is also necessary. We also expect that the private road will be adequately signed to designate the dwellings it serves to avoid confusion when using CAD equipment during an emergency response.

I appreciate you seeking our input in this matter and if you have anything further you would like to discuss about this plat please do not hesitate to contact me once again. Thank you.

Sincerely,

Michael Voigt

Michael Voigt
Fire Chief

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STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 4

March 22, 2017

Application for: Annexation

Zoning Change

Major Subdivision Final Plat

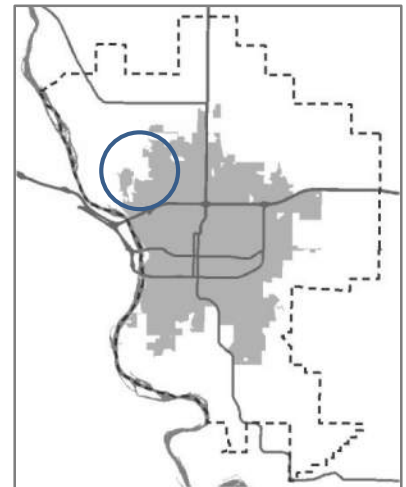
TRAKiT Project ID: ANN2016-004

ZC2016-022

FPLT2016-009

Project Summary

<i>Title:</i>	Eagle Crest Seventh Addition
<i>Status:</i>	Planning & Zoning Commission – Public Hearing
<i>Owner(s):</i>	Knutson Properties, LLP
<i>Project Contact:</i>	Jason Petryszyn, Swenson Hagen and Co.
<i>Location:</i>	In northwest Bismarck, west of East Valley Drive and approximately 200 feet west of High Creek Road.
<i>Project Size:</i>	5.9 Acres
<i>Request:</i>	Annex, rezone, and plat property for development of single-family homes.



Site Information

Existing Conditions

<i>Number of Lots:</i>	Unplatted
<i>Land Use:</i>	Undeveloped
<i>Designated GMP</i> <i>Future Land Use:</i>	Low Density Residential
<i>Zoning:</i>	A – Agricultural
<i>Uses Allowed:</i>	A – Agriculture
<i>Max Density</i> <i>Allowed:</i>	A – 1 unit / 40 acres

Proposed Conditions

<i>Number of Lots:</i>	14 lots in 2 blocks
<i>Land Use:</i>	Single-family homes
<i>Designated GMP</i> <i>Future Land Use:</i>	Low Density Residential
<i>Zoning:</i>	R5 – Residential
<i>Uses Allowed:</i>	R5 – Single-family residential
<i>Max Density</i> <i>Allowed:</i>	R5 – 5 units / acre

Property History

<i>Zoned:</i>	N/A	<i>Platted:</i>	N/A	<i>Annexed:</i>	N/A
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Staff Analysis

The applicant is requesting approval of an annexation, a zoning change from the A – Agricultural zoning district to the R5 – Residential zoning district, and the

final plat for Eagle Crest Seventh Addition. The annexation and rezoning would apply to the entire subdivision.

(continued)

The Planning and Zoning Commission granted tentative approval of the preliminary plat for Eagle Crest 7th Addition during the December 21, 2016 regular meeting, granting a waiver to allow the use of cul-de-sacs and with the understanding that the following issues needed to be resolved prior to a public hearing being scheduled for the final plat:

1. A utility servicing plan is submitted showing how the proposed uses will be served by municipal sanitary sewer service.
2. The final plat shows an appropriate means of access to Lot 27, Block 1.
3. The boundaries of Lots 7 and 16 are adjusted to provide sufficient buildable area that is not obstructed by transmission lines.
4. The Bismarck Parks and Recreation District formally issues a waiver of Neighborhood Park Development Requirements.

The applicant has chosen to submit a final plat for only a 5.9 acre portion of the 31.4-acre preliminary plat. The primary reason for this is to only plat lots that can be more easily serviced by sanitary sewer, as noted in the first condition. An existing sanitary sewer line lies beneath this plat. The applicant's engineer has stated that they can service this subdivision with a gravity-fed sewer line and has submitted a utility service plan for the eventual extension of sanitary sewer lines to the west.

Conditions 2 and 3 are not applicable to the final plat, because the areas identified have been removed.

Condition 4 has been met. The Bismarck Parks and Recreation District has issued a waiver from the neighborhood park development policy, on the grounds that Seventh Generation Park is in close proximity. The Parks District does not wish to accept ownership of any of the open space in the coulees surrounding this development.

The applicant has requested a waiver to include a cul-de-sac on Crest Place on the grounds that there is no reasonable opportunity to provide connections to streets to the south and west due to topography. Staff agrees and recommends approval.

The property includes a portion of the Nu-Star pipeline, running through the southern portion. A 50-foot easement is dedicated for this existing pipeline.

Required Findings of Fact (relating to land use)

Annexation

1. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the annexation at the time the property is developed;
2. The proposed annexation is a logical and contiguous extension of the current corporate limits of the City of Bismarck;
3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance;
4. The proposed annexation is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
5. The proposed annexation would not adversely affect the public health, safety and general welfare.

Zoning Change

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;

(continued)

6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Final Plat

1. All technical requirements for approval of a final plat have been met;
 2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission;
 3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;
 4. The stormwater management plan for the subdivision has been approved by the City Engineer;
 5. The requirements of the neighborhood parks and open space policy have been waived by the Bismarck Parks and Recreation District;
 6. The proposed subdivision plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision.
 7. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed;
8. The proposed subdivision is not located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or an area that is topographically unsuited for development;
 9. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
 10. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
 11. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the annexation, zoning change from the A – Agricultural to the R5 – Residential zoning district, and the final plat for Eagle Crest Seventh Addition, including the granting of a waiver to allow the use of a cul-de-sac.

Attachments

1. Location Map
2. Future Land Use Plan/Zoning Map
3. Final Plat
4. Preliminary Plat

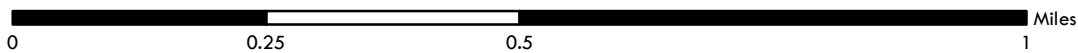
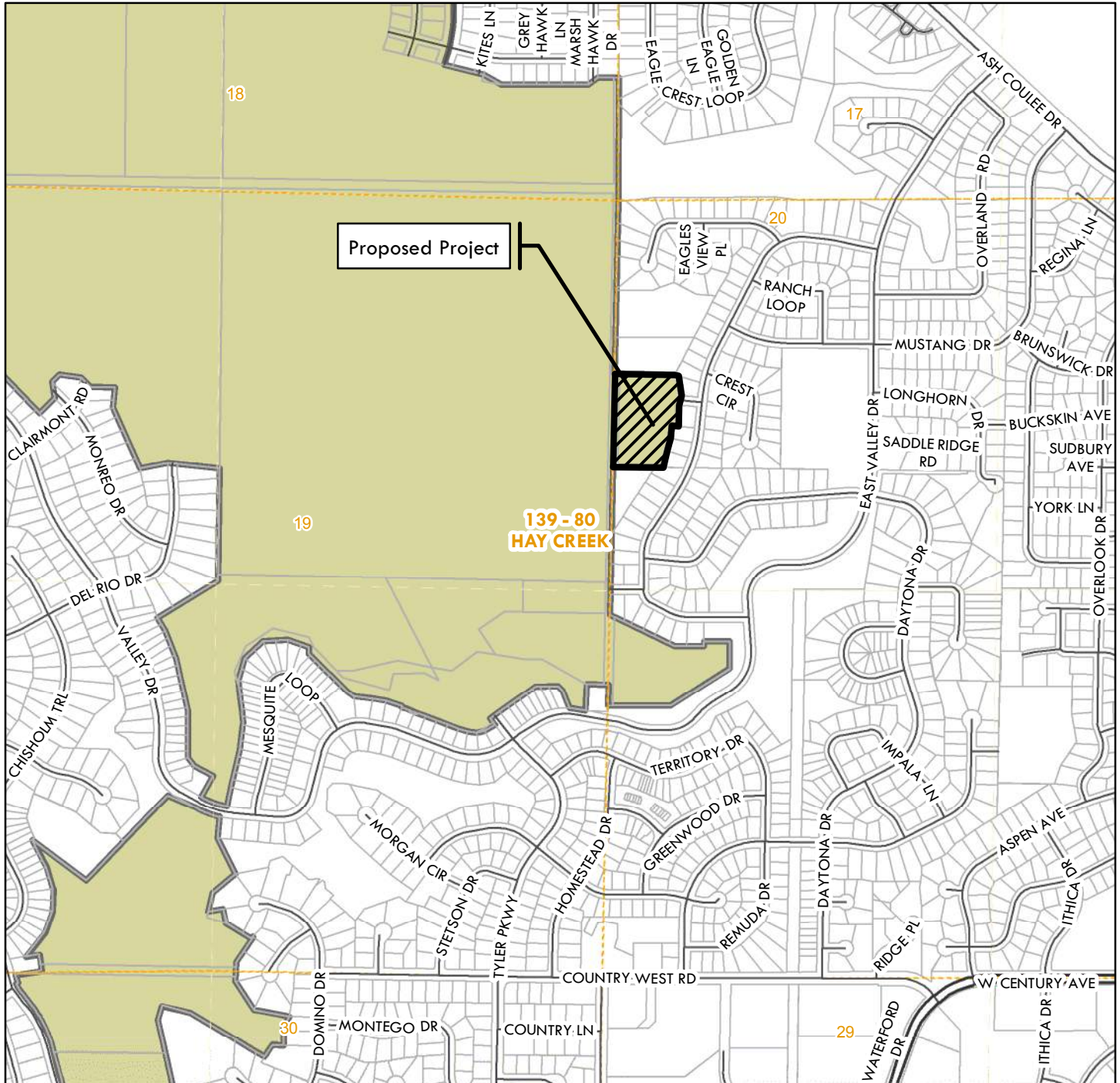
Staff report prepared by: Daniel Nairn, AICP, Planner
701-355-1854 | dnairn@bismarcknd.gov



Eagle Crest 7th Addition

Proposed Plat, Zoning Change (A to R5) and Annexation

Project
Location Map



 City Limits

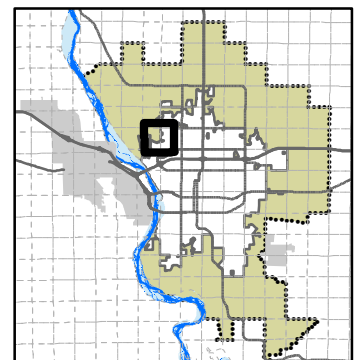
 Bismarck ETA Jurisdiction

Section, township, and
range indicated in orange



City of Bismarck
Community Development Department
Planning Division
February 23, 2017

This map is for representational use only and does
not represent a survey. No liability is assumed as
to the accuracy of the data delineated herein.





Proposed Zoning Change (A to R5)

Eagle Crest Seventh Addition

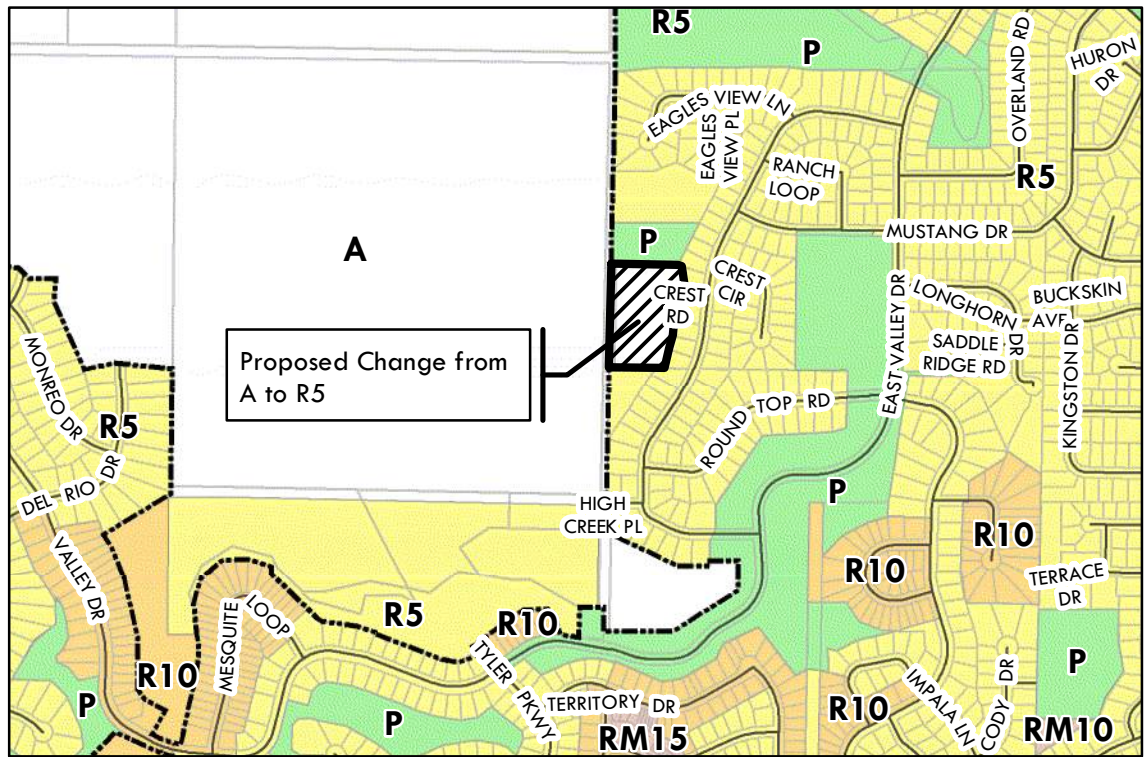
Zoning and Plan
Reference Map

- Project Area - No Change Proposed
- Zoning or Plan Change Proposed

Zoning Districts

A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential Multifamily (Offices)
RM	Residential Multifamily (Offices)
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

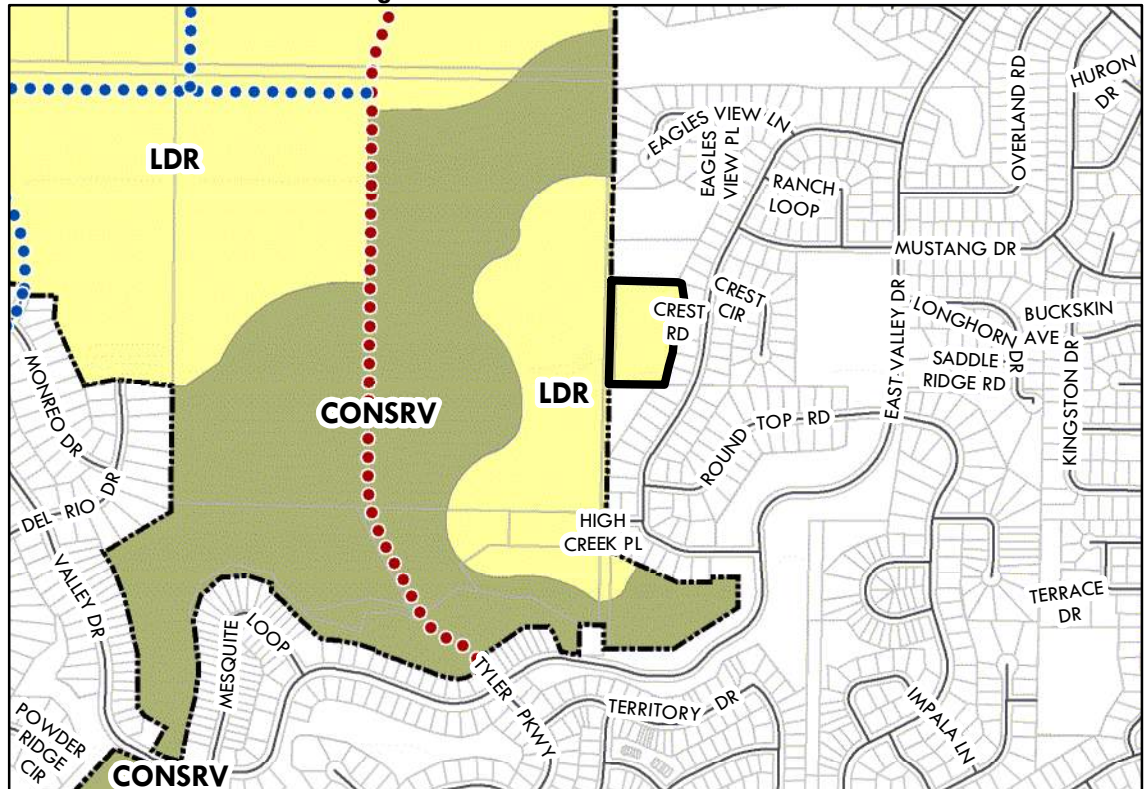
Zoning Map



Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/Mixed Use
MU	Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Future Land Use Plan and Fringe Area Road Master Plan



Fringe Area Road Master Plan

- Planned Arterial
- Planned Collector

0 0.175 0.35 0.7 Miles

City Limits

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



City of Bismarck
Community Development Dept.
Planning Division
March 15, 2017

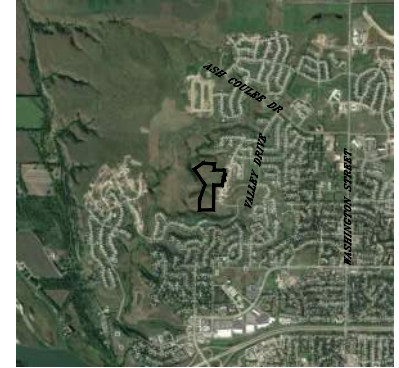
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA

28

EAGLE CREST 7TH ADDITION

PART OF THE NE 1/4 OF SECTION 19, TOWNSHIP 139
NORTH, RANGE 80 WEST AND PART OF THE WEST 1/2 OF
SECTION 20, TOWNSHIP 139 NORTH, RANGE 80 WEST

BISMARCK, NORTH DAKOTA



LOCATION MAP

31.4 ACRES
EXISTING ZONING: AG
PROPOSED ZONING: R5

OWNER: TYLER COULEE, LLP
ADDRESS: 555 HIGHWAY 1804 NE
BISMARCK, ND 58503

OWNER: KNUTSON PROPERTIES, LLP
ADDRESS: 101 SLATE DRIVE
BISMARCK, ND 58503



0 100' 200'
SCALE - 1" = 100'

VERTICAL DATUM: NAVD 88

NOVEMBER 17, 2016

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STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 5

March 22, 2017

Application for: Zoning Change

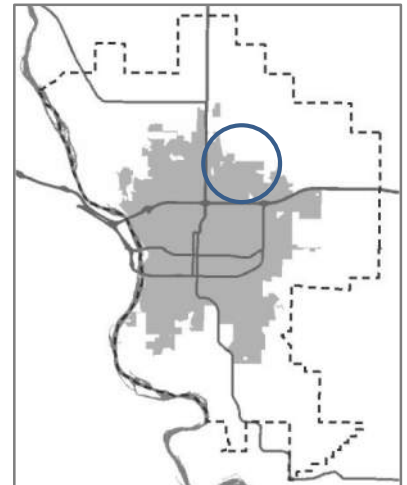
TRAKiT Project ID: ZC2017-001

Minor Subdivision Final Plat

MPLT2017-002

Project Summary

Title:	Edgewood Village Seventh Addition First Replat
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Legacy Single Family Lots LLC (owner) J & D Construction, Inc. (applicant)
Project Contact:	Landon Niemiller, Swenson, Hagen & Co. P.C.
Location:	In northeast Bismarck, between 43rd Avenue NE and East Calgary Avenue along the west side of Nebraska Drive.
Project Size:	4.52 acres
Request:	Rezone and replat property to allow construction of two-family residential dwellings.



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	10 lots in 1 block	Number of Lots:	16 lots in 1 block
Land Use:	Undeveloped	Land Use:	Residential
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan	Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan
Zoning:	R5 – Residential	Zoning:	R10 – Residential
Uses Allowed:	R5 – Single-family residential	Uses Allowed:	R10 – Single and two-family residential
Max Density Allowed:	R5 – 5 units / acre	Max Density Allowed:	R10 – 10 units / acre

Property History

Zoned:	03/2013	Platted:	03/2013	Annexed:	03/2013
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Staff Analysis

The applicant is requesting approval of a zoning change from the R5 – Residential zoning district to the R10-Residential zoning district and approval of a minor subdivision final plat title Edgewood Village Seventh Addition First Replat. The rezoning and minor subdivision plat would allow for the construction of two-family residential dwellings. All 16 lots of the proposed subdivision will conform to the R10-Residential zoning district provisions.

Adjacent land uses are the newly-constructed Legacy High School to the east, across Nebraska Drive; single family residential uses to the north and west; and a child care center to the south, across Knudsen Loop.

Required Findings of Fact (relating to land use)*Zoning Change*

1. The proposed zoning change is in a developed portion of the community and is outside of the area covered by the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed zoning change is compatible with adjacent land uses and zoning;
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed;
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map;
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner;

6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance;
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Minor Plat

1. All technical requirements for approval of a minor subdivision final plat have been met;
2. The requirement to provide a stormwater management plan has been waived by the City Engineer;
3. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
4. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
5. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the zoning change from the R5 – Residential zoning district to the R10 – Residential zoning district and approval of the minor subdivision final plat for Edgewood Village Seventh Addition First Replat.

Attachments

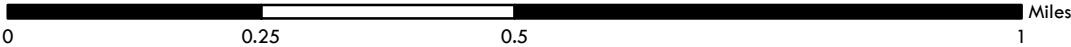
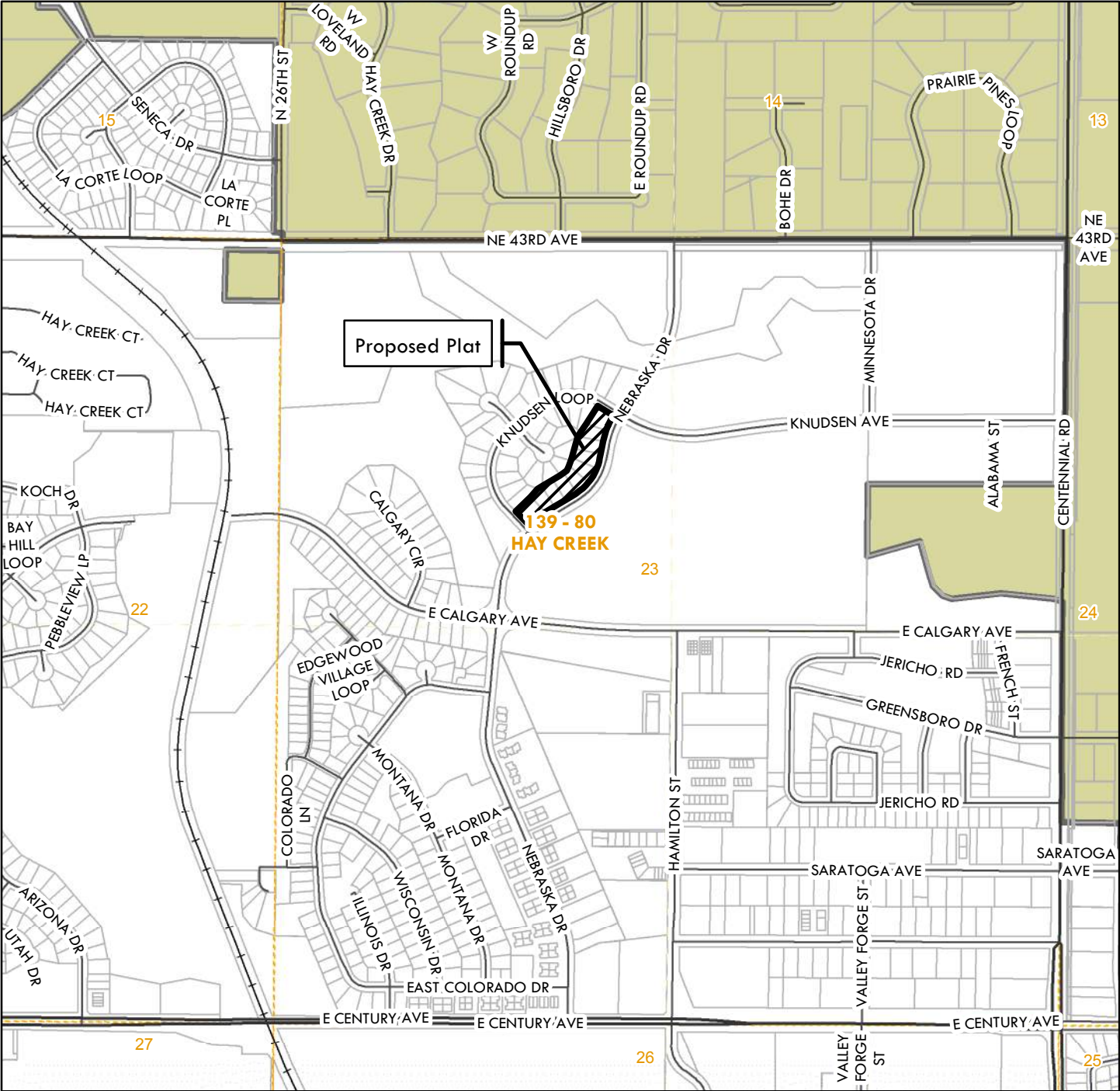
1. Location Map
2. Future Land Use Plan/Zoning Map
3. Minor Subdivision Final Plat
4. Edgewood Village Seventh Addition

Staff report prepared by: Will Hutchings, Planner
701-355-1850 | whutchings@bismarcknd.gov



**Edgewood Village Seventh Addition First Replat
Plat and Zoning Change (R5 to R10)**

Project
Location Map

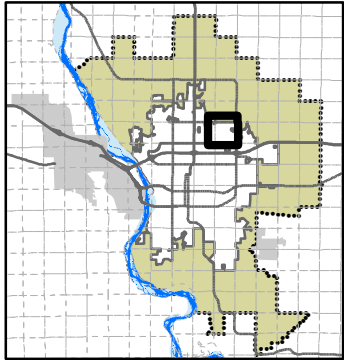


City Limits



Bismarck ETA Jurisdiction

Section, township, and
range indicated in orange



City of Bismarck
Community Development Department
Planning Division
February 17, 2017 (HLB)

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Lots 14-23, Block 2, Edgewood Village 7th Addition First Replat

Proposed Zoning Change (R5 to R10)

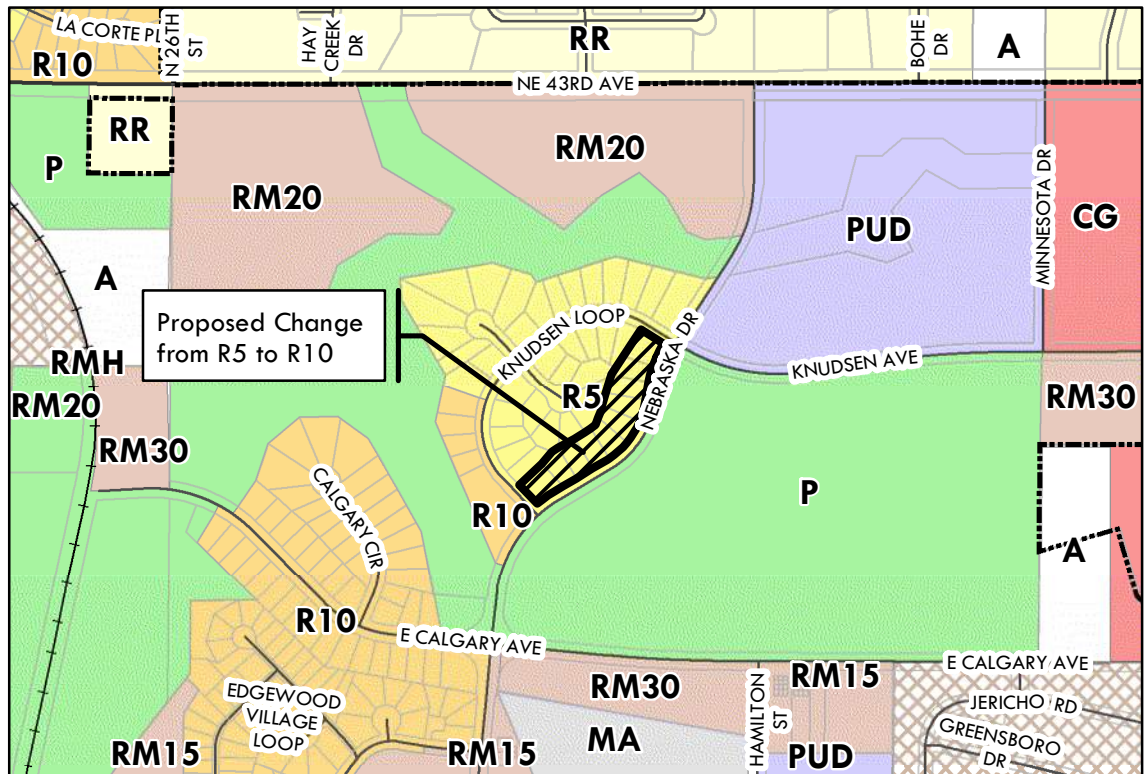
Zoning and Plan
Reference Map

- Project Area - No Change Proposed
- Zoning or Plan Change Proposed

Zoning Districts

A	Agriculture
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R5	Residential
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MA	Industrial
MB	Industrial
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DF	Downtown Fringe

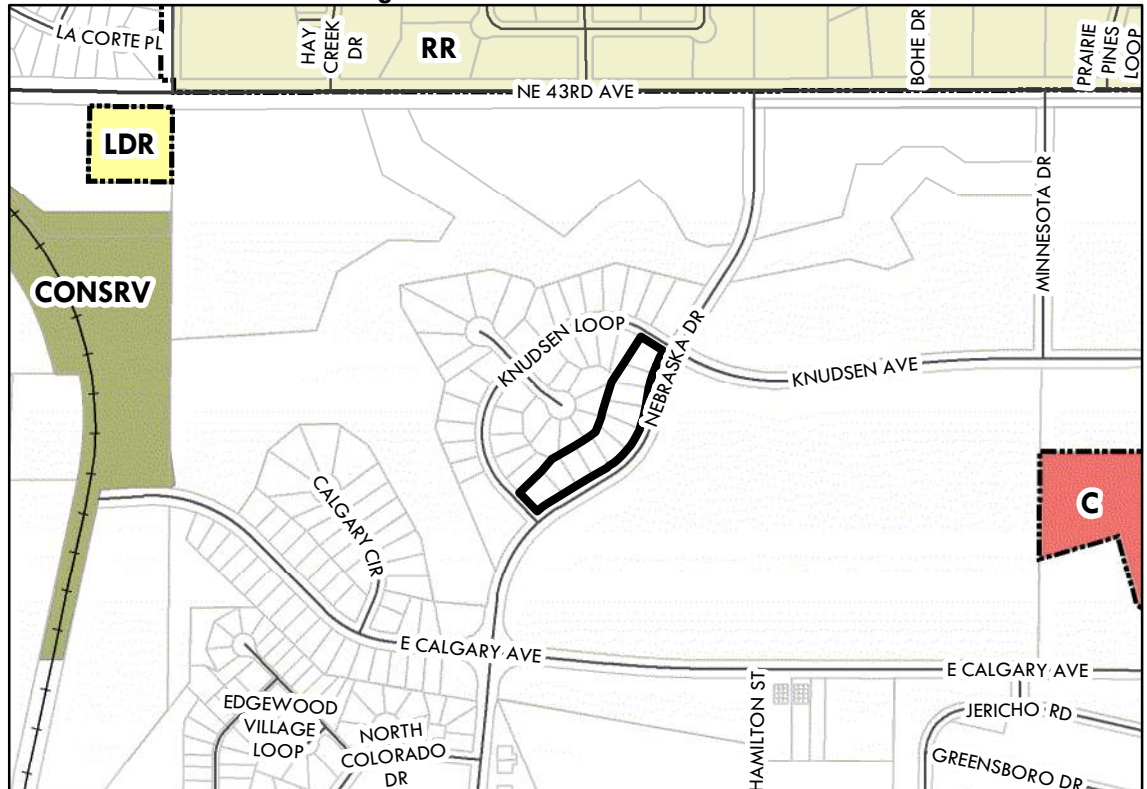
Zoning Map



Future Land Use Plan

CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
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MDR-/MU	Medium Density Residential/Mixed Use
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O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Future Land Use Plan and Fringe Area Road Master Plan



Fringe Area Road Master Plan

- Planned Arterial
- Planned Collector

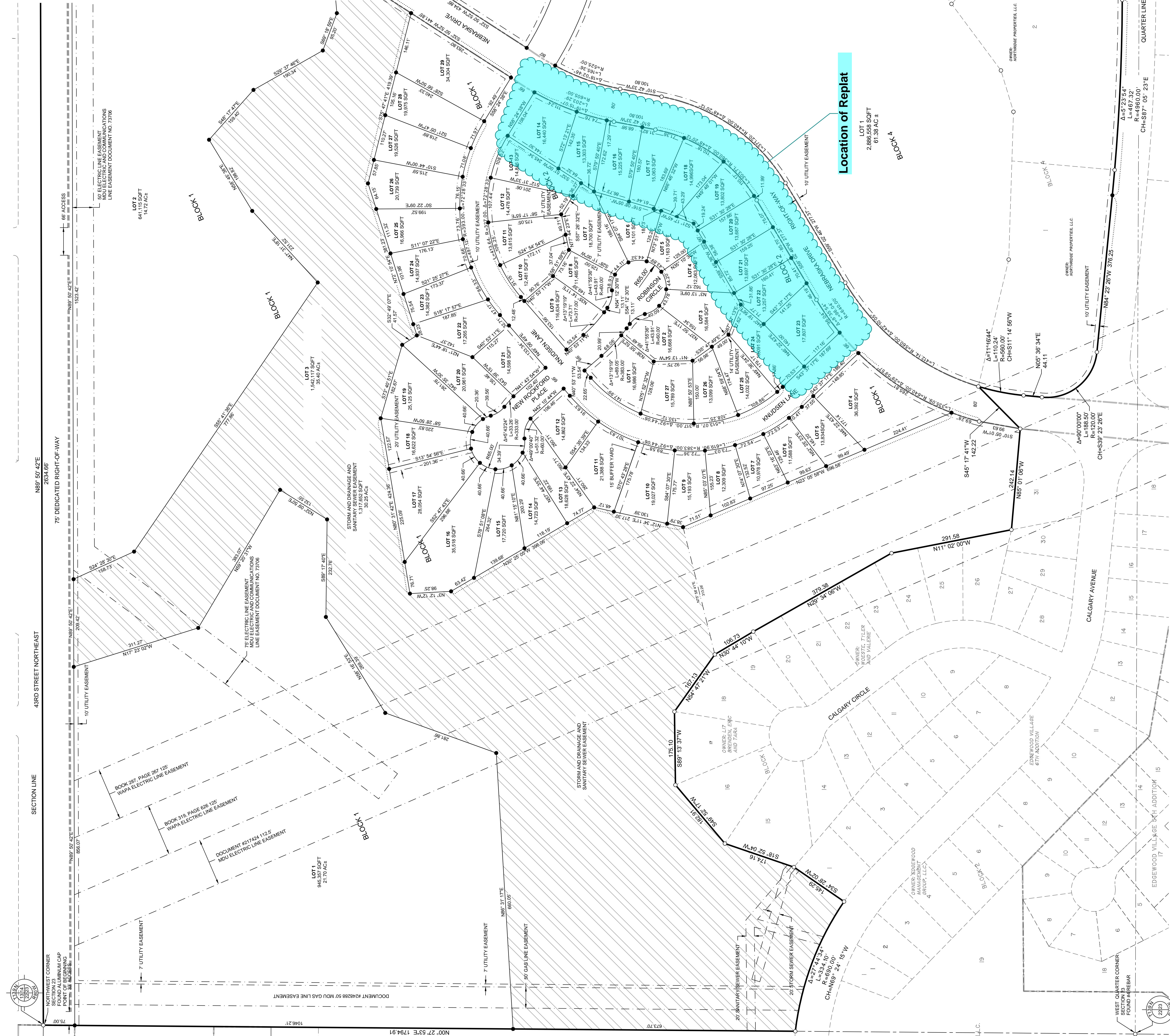
0 0.125 0.25 0.5 Miles

City Limits

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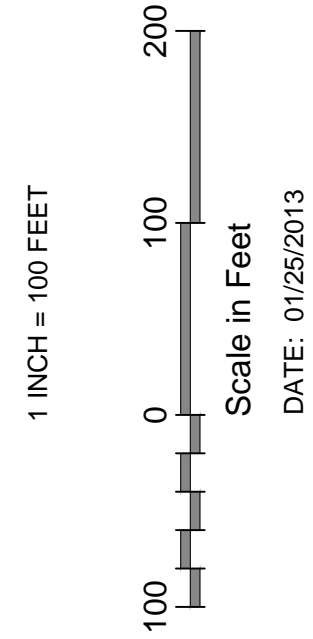
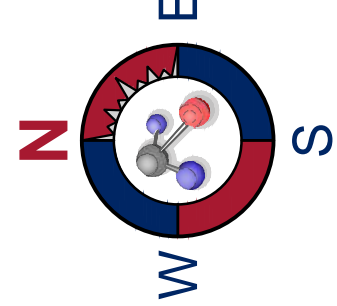


City of Bismarck
Community Development Dept.
Planning Division
February 9, 2017



PLAT OF
EDGEWOOD VILLAGE
7TH ADDITION
TO THE CITY OF BISMARCK,
NORTH DAKOTA

BEING A REPLAT OF AUDITORS LOT A, B, AND C,
LOTS 1, 2, AND 3, BLOCK 4, LOT 1, BLOCK 5,
LOT 1, BLOCK 6 OF EDGEWOOD VILLAGE SIXTH
ADDITION TO THE CITY OF BISMARCK,
BURLEIGH COUNTY, NORTH DAKOTA, SECTION
23, TOWNSHIP 139 NORTH, RANGE 80 WEST OF
THE 5TH PRINCIPAL MERIDIAN,
BURLEIGH COUNTY, NORTH DAKOTA



LEGEND

- MONUMENT PLACED THIS SURVEY OR REFERRED TO WITH CAP MARKED IS 4185
- FOUND PROPERTY CORNER
- SECTION LINES
- QUARTER LINES
- PLAT BOUNDARY
- LOT LINES
- EXISTING LOT LINE
- EASEMENT LINES
- ACCESS CONTROL
- STORM AND DRAINAGE AND SANITARY SEWER EASEMENT

NOTES

1. BASIS OF BEARINGS: GRID NORTH, NORTH DAKOTA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE 3002 NAD83. ALL DISTANCES ARE STATION DISTANCES.
2. THE FIELD SURVEY WAS COMPLETED ON 8/31/2012
3. NO RAILROAD RIGHT-OF-WAY EXISTS ON SUBJECT PROPERTY
4. NO RAILROAD RIGHT-OF-WAY EXISTS ON SUBJECT PROPERTY
5. ADJACENT TO SUBJECT SUBDIVISION PLAT
6. NO PERMANENT BUILDINGS OR STRUCTURES EXIST WITHIN OR ADJACENT TO SUBDIVISION PLAT
7. NO LAND IN SUBJECT SUBDIVISION LIE WITHIN THE 100 YEAR FLOOD PLAIN
8. PLANNED TO BE USED FOR STORM WATER MANAGEMENT.
9. PROPERTY OWNER(S): BISMARCK LAND COMPANY, LLC, 2850 24TH AVE. S, SUITE 301, GRAND FORKS, ND 58007-3056
10. REGISTERED LAND SURVEYOR: STEVEN E. SWANSON PLS 4185, ADVANCED ENGINEERING AND ENVIRONMENTAL SERVICES, INC., 6040 1ST AVE. S, SUITE 200, GRAND FORKS, ND 58001

WESTERN AREA POWER ADMINISTRATION

- THE UNITED STATES GOVERNMENT (WESTERN AREA POWER ADMINISTRATION) HOLDS A 125 FOOT (62.5' ON EACH SIDE OF THE CENTERLINE) EASEMENT FOR THE RIGHT TO OPERATE, PATROL, REPAIR, MAINTAIN, USE, CONSTRUCT, AND RECONSTRUCT AN ELECTRIC TRANSMISSION LINE. THE TRANSMISSION LINE SHALL BE LOCATED WITHIN THE TRANSMISSION LINE EASEMENT, UNLESS REVIEWED AND APPROVED BY WESTERN AREA POWER ADMINISTRATION IN WRITING.
1. OWNER SHALL NOT ERECT ANY STRUCTURES, STRUCTURES BY WAY OF EXAMPLE, NOT BY LIMITATION, SHALL MEAN BUILDINGS, MOBILE HOMES, SIGNS, STORAGE TANKS, SEPTIC TANKS, SWIMMING POOLS, TENNIS COURTS, OR OTHER SIMILAR FACILITIES.
 2. OWNER SHALL NOT DRILL WELLS OR CONDUCT MINING OPERATIONS.
 3. OWNER SHALL NOT APPROPRIATELY CHANGE THE CHARACTER OF EXISTING LANDSCAPE OR PLANT TREES WITHIN THE TRANSMISSION LINE EASEMENT WITHOUT FIRST OBTAINING WRITTEN PERMISSION FROM THE WESTERN AREA POWER ADMINISTRATION (WAPA) OR ITS ASSIGNS.
 4. OWNER SHALL NOT ERECT INSTALL FENCES OR ACROSS THE EASEMENT AREA WITHIN THE TRANSMISSION LINE EASEMENT WITHOUT FIRST OBTAINING WRITTEN APPROVAL REQUESTS FOR PERMISSION TO USE THE TRANSMISSION LINE RIGHT-OF-WAY SHOULD BE SUBMITTED TO THE WESTERN AREA POWER ADMINISTRATION, NORTH DAKOTA MAINTENANCE OFFICE, P.O. BOX 1173, BISMARCK, ND 58002-1173, (701) 221-4520
 5. NO PERMANENT BUILDINGS OR STRUCTURES SHALL BE PLANTED WITHIN THE DEDICATED LANDSCAPE AREAS UNDER THE TRANSMISSION LINE RIGHT-OF-WAYS THAT WILL EXCEED 12 FEET WHEN FULLY MATURE.
 6. OBJECTS LOCATED WITHIN THE TRANSMISSION LINE RIGHT-OF-WAY THAT INTERFERE WITH THE SAFE OPERATION AND MAINTENANCE OF THE TRANSMISSION LINE MAY BE REMOVED BY THE TRANSMISSION LINE RIGHT-OF-WAY OWNER.
 7. PLANS FOR IMPROVEMENT PROJECTS SUCH AS CURB AND GUTTER, PAVING, AND OTHER INFRASTRUCTURES WITHIN THE TRANSMISSION LINE RIGHT-OF-WAY SHALL BE PRESENTED TO WAPA FOR REVIEW PRIOR TO CONSTRUCTION.



Advanced Engineering and Environmental Services, Inc.
4050 Garden View Drive Suite 200, Grand Forks, ND 58201
Voice: 701.746.0807 Fax: 701.746.0370
PROJECT NUMBER: P11246-2012-07
PAGE 2 OF 4

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STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 6

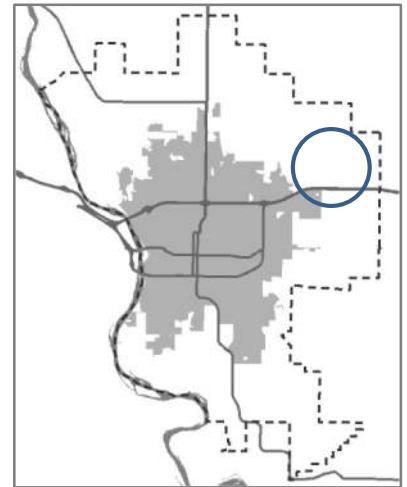
March 22, 2017

Application for: Major Subdivision Final Plat

TRAKiT Project ID: FPLT2017-001

Project Summary

Title:	Gibbs Substation Subdivision
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Douglas Sabot et al. (owner) Central Power Electrical Cooperative Inc. (applicant)
Project Contact:	Oly Olafson, PE, Ulteig Engineers
Location:	East of Bismarck, along the south side of 43rd Avenue NE, in the southwest quadrant of the intersection of 43rd Avenue NE and 80th Street NE.
Project Size:	11.44 acres
Request:	Plat property for future development of an electrical substation.



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	Part of 1 Parcel	Number of Lots:	1 lot in 1 block
Land Use:	Undeveloped	Land Use:	Electrical Substation
Designated GMP Future Land Use:	Low Density Residential	Designated GMP Future Land Use:	Low Density Residential
Zoning:	A – Agricultural	Zoning:	A – Agricultural
Uses Allowed:	A – Agriculture	Uses Allowed:	A – Agriculture
Max Density Allowed:	A – 1 unit / 40 acres	Max Density Allowed:	A – 1 unit / 40 acres

Property History

Zoned:	N/A	Platted:	N/A	Annexed:	N/A
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Staff Analysis

The proposed final plat is being requested for future development of an electrical substation. The property

is located east of Bismarck near the intersection of 43rd Avenue NE and 80th Street NE.

The Planning and Zoning Commission tentatively approved the preliminary plat for Gibbs Substation

(continued)

Subdivision and recommended scheduling a public hearing for the final plat at their meeting of January 25, 2017.

Current and proposed zoning is A – Agricultural. Electrical transformer stations (substations) are permitted uses in all zoning districts per Section 14-03-07(15)(a), of the City Code of Ordinances (Use Groups). The setback requirements for the underlying zoning district must still be met.

The Future Land Use Plan in the 2014 Growth Management Plan, as amended, identifies this area as low density residential, and is located within Phase 3 (post 2040) of the phasing plan. Since the proposed substation is planned to be surrounded by residential uses in the future, a landscaped buffer yard shall be installed according to Section 14-03-07(15)(a)(6) of the City Code of Ordinances (Use Groups) to ensure a mature landscaped buffer at the time of residential development. In addition, the required fencing must be installed according to Section 14-03-07(15)(a)(7) of the City Code of Ordinances (Use Groups).

The Fringe Area Road Master Plan identifies 43rd Avenue NE and 80th Street NE as future arterial roads. The proposed preliminary plat provides sufficient dedication of right-of-way for the future development of these roadways.

A 40-foot-wide access and utility easement is included along the western edge of the proposed plat. This easement will preserve land for future right-of-way when the area around the proposed plat further develops.

The applicant, Central Power Electric Cooperative, has initiated the purchase of property associated with the proposed subdivision and has indicated that transfer of ownership will be made prior to recording of the plat.

Required Findings of Fact (relating to land use)

1. All technical requirements for approval of a final plat have been met;
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission;

3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended;
4. The stormwater management plan for the subdivision has been approved by the City Engineer with written concurrence from the County Engineer;
5. The provision of neighborhood parks and open space is not needed because the proposed final plat is not an urban subdivision with residential zoning districts;
6. The Gibbs Township Board of Supervisors has recommended approval of the proposed final plat;
7. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed;
8. The proposed subdivision is not located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain, an area where the proposed development would adversely impact water quality and/or environmentally sensitive lands, or an area that is topographically unsuited for development;
9. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance;
10. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
11. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the final plat for Gibbs Substation Subdivision.

Attachments

1. Location Map

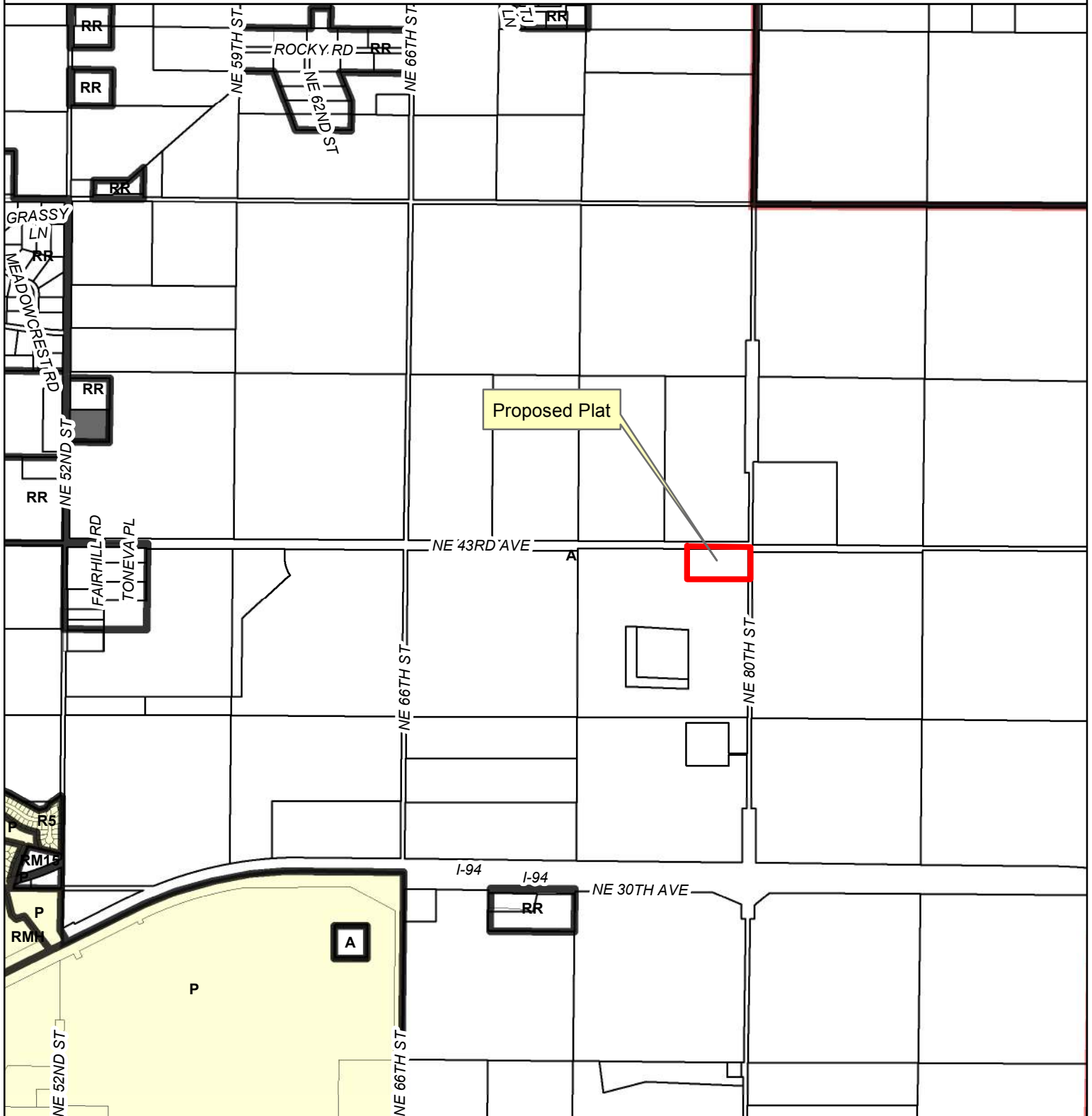
(continued)

- 2. Future Land Use Plan
- 3. Reduction of Final Plat

- 4. Reduction of Preliminary Plat
 - 5. Gibbs Township Resolution
-

Staff report prepared by: Will Hutchings, Planner
701-355-1850 | whutchings@bismarcknd.gov

Proposed Plat Gibbs Substation Subdivision



December 23, 2016 (hlb)

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.





Proposed Plat

Gibbs Substation Subdivision

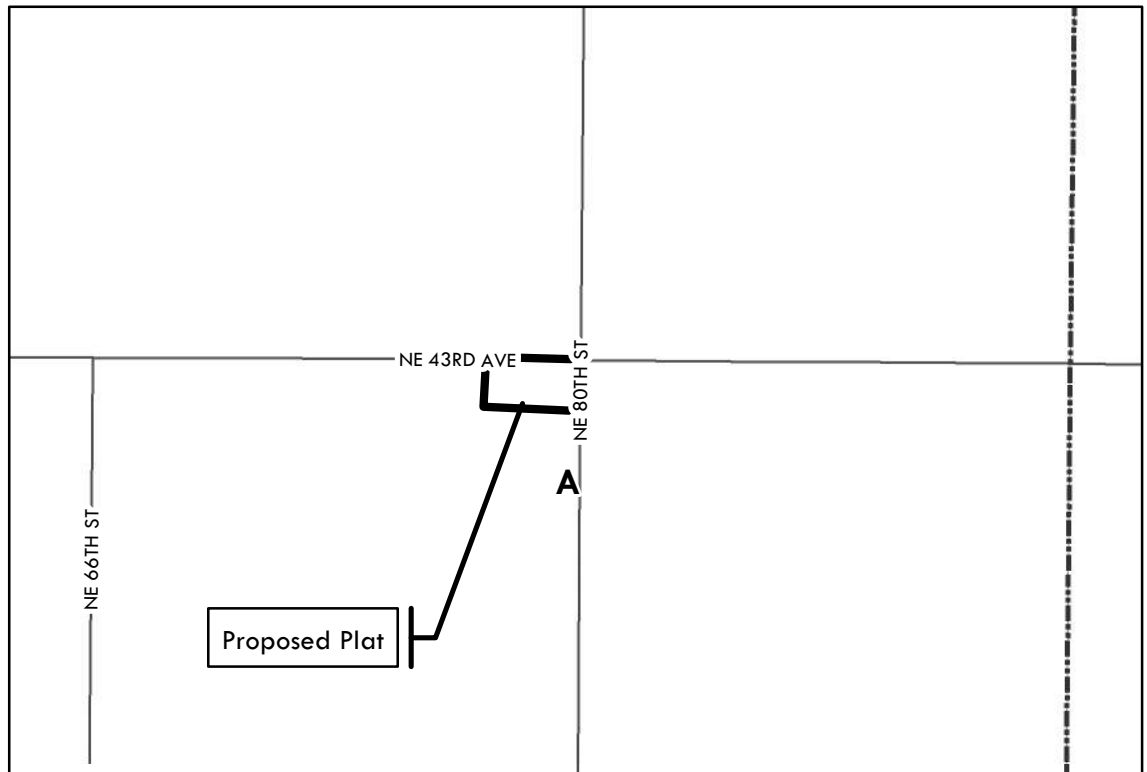
Zoning and Plan Reference Map

- Project Area - No Change Proposed
- Zoning or Plan Change Proposed

Zoning Districts

A	Agriculture
RR	Rural Residential
R5	Residential
RMH	Manufactured Home Residential
R10	Residential
RM	Residential Multifamily
RT	Residential (Offices)
HM	Health and Medical
CA	Commercial
CG	Commercial
MA	Industrial
MB	Industrial
PUD	Planned Unit Development
DC	Downtown Core
DF	Downtown Fringe

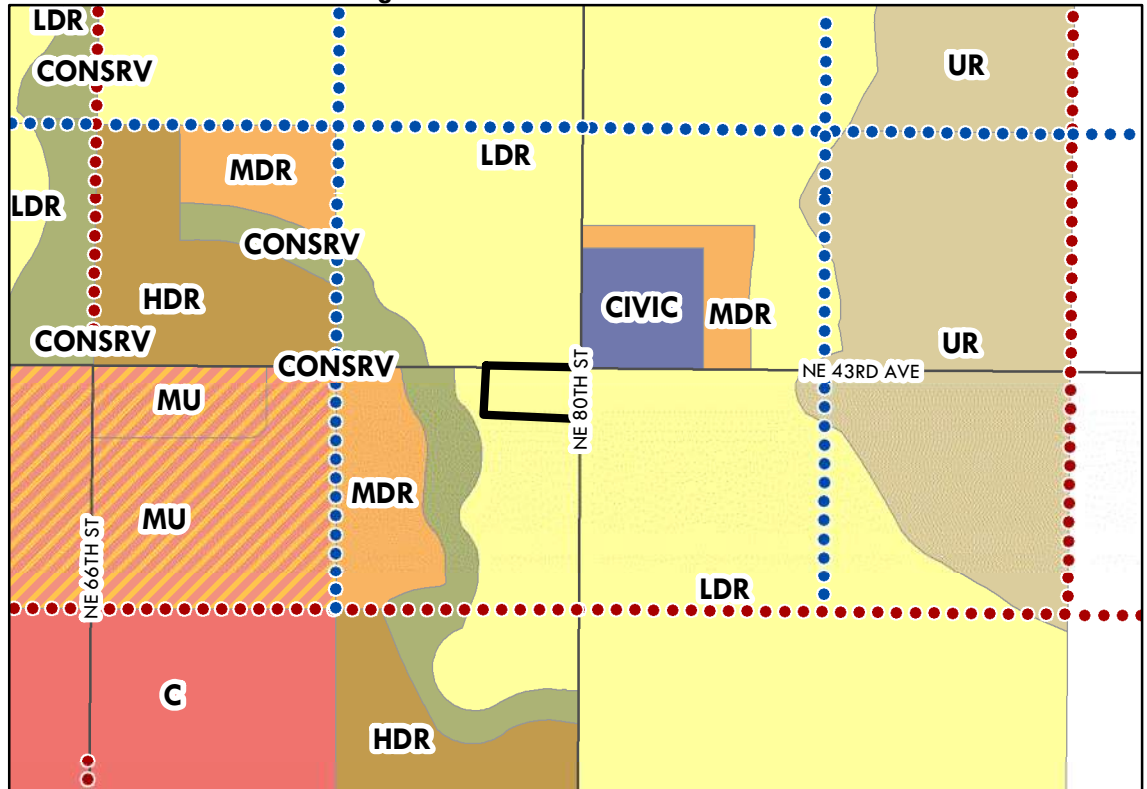
Zoning Map



Future Land Use Plan

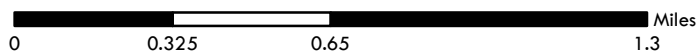
CONSRV	Conservation
BP	Business Park
C	Commercial
C/MU	Commercial/Mixed Use
CIVIC	Civic
HDR	High Density Residential
I	Industrial
LDR	Low Density Residential
MDR	Medium Density Residential
MDR-/MU	Medium Density Residential/Mixed Use
MU	Mixed Use
O/MU	Office/Mixed Use
RR-C	Clustered Rural Residential
RR	Standard Rural Residential
UR	Urban Reserve

Future Land Use Plan and Fringe Area Road Master Plan



Fringe Area Road Master Plan

- Planned Arterial
- Planned Collector



This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.

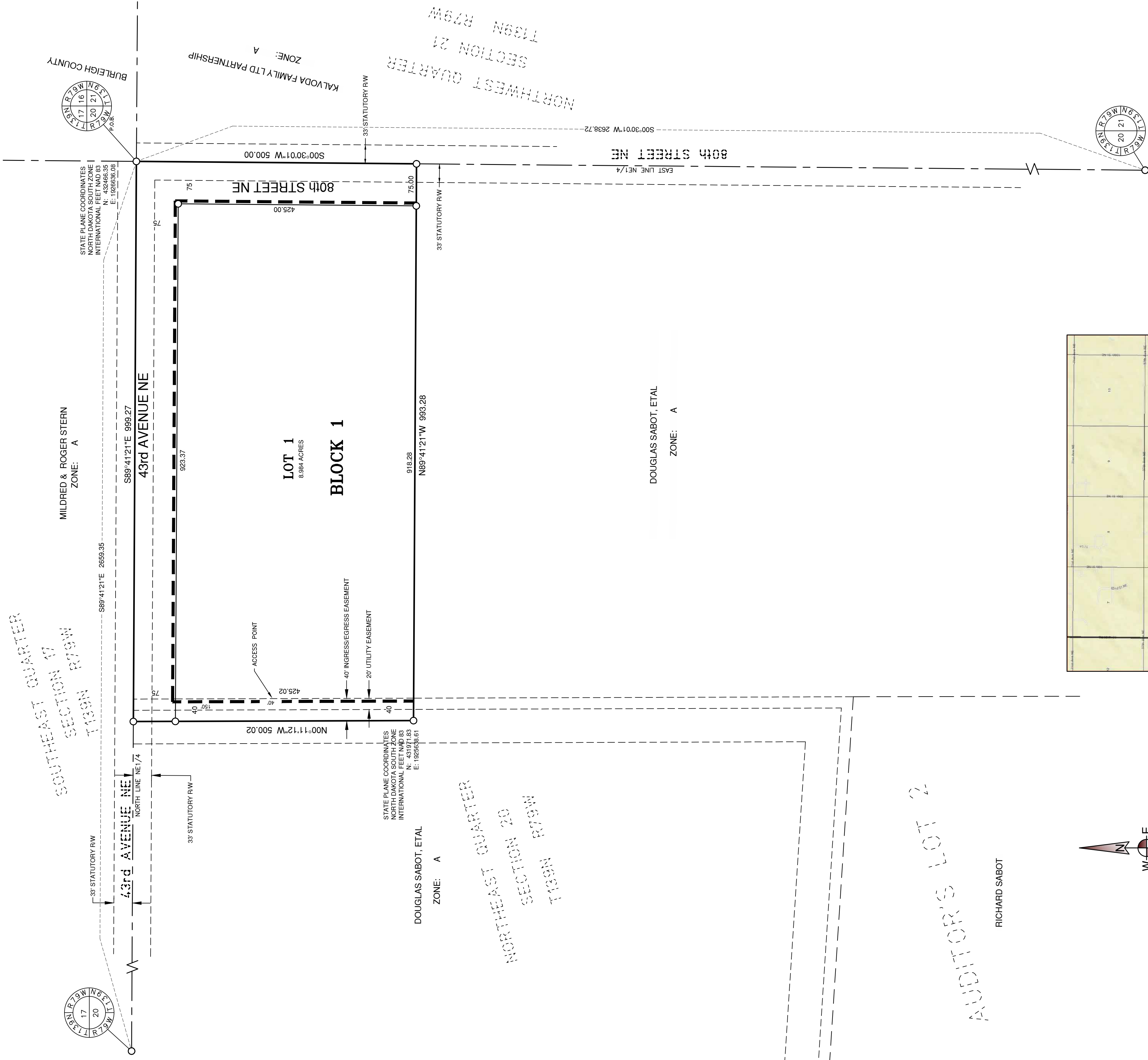


City of Bismarck
Community Development Dept.
Planning Division
March 16, 2017

FINAL PLAT OF

GIBBS SUBSTATION SUBDIVISION

TO THE CITY OF BISMARCK
PART OF THE NORTHEAST QUARTER OF SECTION 20, T139N, R79W BURLIEIGH COUNTY, NORTH DAKOTA



PREPARED BY

3350 38th Avenue South
Fargo, ND 58104

GRAPHIC SCALE IN FEET

0 50 100 200

BASIS OF BEARING:

NORTH DAKOTA STATE PLANE, SOUTH ZONE (NAD83)

GROUND

VERTICAL DATUM: MVD 1988

MARCH 13, 2017

PLAT DATA

TOTAL LOT AREA: 391,350 S.F. (8.984 ACRES)

TOTAL ROADWAY: 106,797 S.F. (2.432 ACRES)

TOTAL ACREAGE: 498,137 S.F. (11.436 ACRES)

BENCHMARK

The benchmark corner of Lot 1, 5.870' below sea level with ground.

Elevation = 1914.72 NAVD83 datum.

SYMBOL LEGEND

LOCATION MAP

NO SCALE

CITY ENGINEER APPROVAL

I, Gabriel J. Schell, City Engineer of Bismarck, North Dakota, hereby approve "GIBBS SUBSTATION SUBDIVISION" Bismarck, Burleigh County, North Dakota as shown on the plat

Approved by City Engineer this _____ day of _____, 2017.

Gabriel J. Schell, City Engineer

BISMARCK BOARD OF CITY COMMISSION APPROVAL

The Board of City Commissioners of the City of Bismarck, North Dakota, has approved the Subdivision of Land as shown on the annexed plat, has accepted the dedication of all streets shown there on, has approved the grounds as shown on the annexed plat, and has approved the plat as shown on the annexed plat, and has approved the plat as shown on the annexed plat. And does hereby vacate any previous plating within the boundary of the annexed plat. The foregoing action of the City Commission of Bismarck, North Dakota, was taken by resolution approved the _____ day of _____, 2017.

Attest

Keith J Hurke- City Administrator

CITY OF BISMARCK PLANNING COMMISSION

The Subdivision of Land as shown on the annexed plat has been approved by the Planning Commission of the City of Bismarck, North Dakota, on the _____ day of _____, 2017, in accordance with the laws of the state of North Dakota, ordinances of the City of Bismarck and regulations adopted by the said planning commission in witness where of are set the hands and seals of the chairman and secretary of the planning commission of the City of Bismarck.

Wayne Lee Yeager - Chairman

Carl D. Hokenstad - Secretary

BOARD OF COUNTY COMMISSIONERS

The Board of County Commissioners of the Burleigh County, North Dakota, has approved the Subdivision as shown on the annexed plat, has accepted the dedication of all streets shown thereon, has approved the grounds as shown on the annexed plat as an amendment to the master plan of the City of Bismarck, North Dakota. And does hereby vacate any previous plating within the boundary of the annexed plat. The foregoing action of the Board of Commissioners of Burleigh County, North Dakota was taken by resolution approved the _____ day of _____, 2017.

Jerry Woodcox, Chairman

Kevin J. Glatt, County Auditor

COORDINATE REFERENCE DATA

1. Tie Monument 1 being the Northeast corner Section 20,
Township 139 North, Range 79 West
Northing- 432466.35
Easting- 1926636.08
Elevation = 1817.25

2. Tie Monument 2 being the Southwest corner of plat,
Northing- 431571.83
Easting- 1925638.61
Elevation = 1811.51

Orientation of this bearing system is North Dakota State Plane,
South Zone (NAD83). Coordinates above are expressed as grid
coordinates.

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGMENT

I, Daniel W. Skinner, Registered Professional Land Surveyor under the laws of the State of North Dakota do hereby certify that this plat is a true and correct representation of the survey of said addition; that all measurements were made in accordance with the laws of the State of North Dakota and the guidance of future surveys have been located or placed in the ground as shown.

Daniel W. Skinner, Professional Land Surveyor
North Dakota License LS-6206

State of North Dakota }
County of Cass }

On this _____ day of _____, 2017, before me, a notary public with and for said County, personally appeared Daniel W. Skinner, to me known to be the person described in and who executed the same as a free act and deed.

Notary Public

OWNERS CERTIFICATE AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That Central Power Electric Cooperative, Inc. a North Dakota Cooperative Association, whose address is 325 2nd Avenue South, Bismarck, North Dakota, 58701, the owner of the property described herein, do hereby dedicate to the public, for public use, all streets, avenues, and easements as shown on this plat.

Said owner has caused the above described tract of land to be surveyed and platted as "GIBBS SUBSTATION SUBDIVISION" to the City of Bismarck, Burleigh County, North Dakota, and do hereby dedicate to the public, for public use, all streets, avenues, and easements as shown on this plat.

OWNER: LOT 1, BLOCK 1, GIBBS SUBSTATION SUBDIVISION

By: Thomas L. Meland, General Manager

State of North Dakota }
County of _____ }

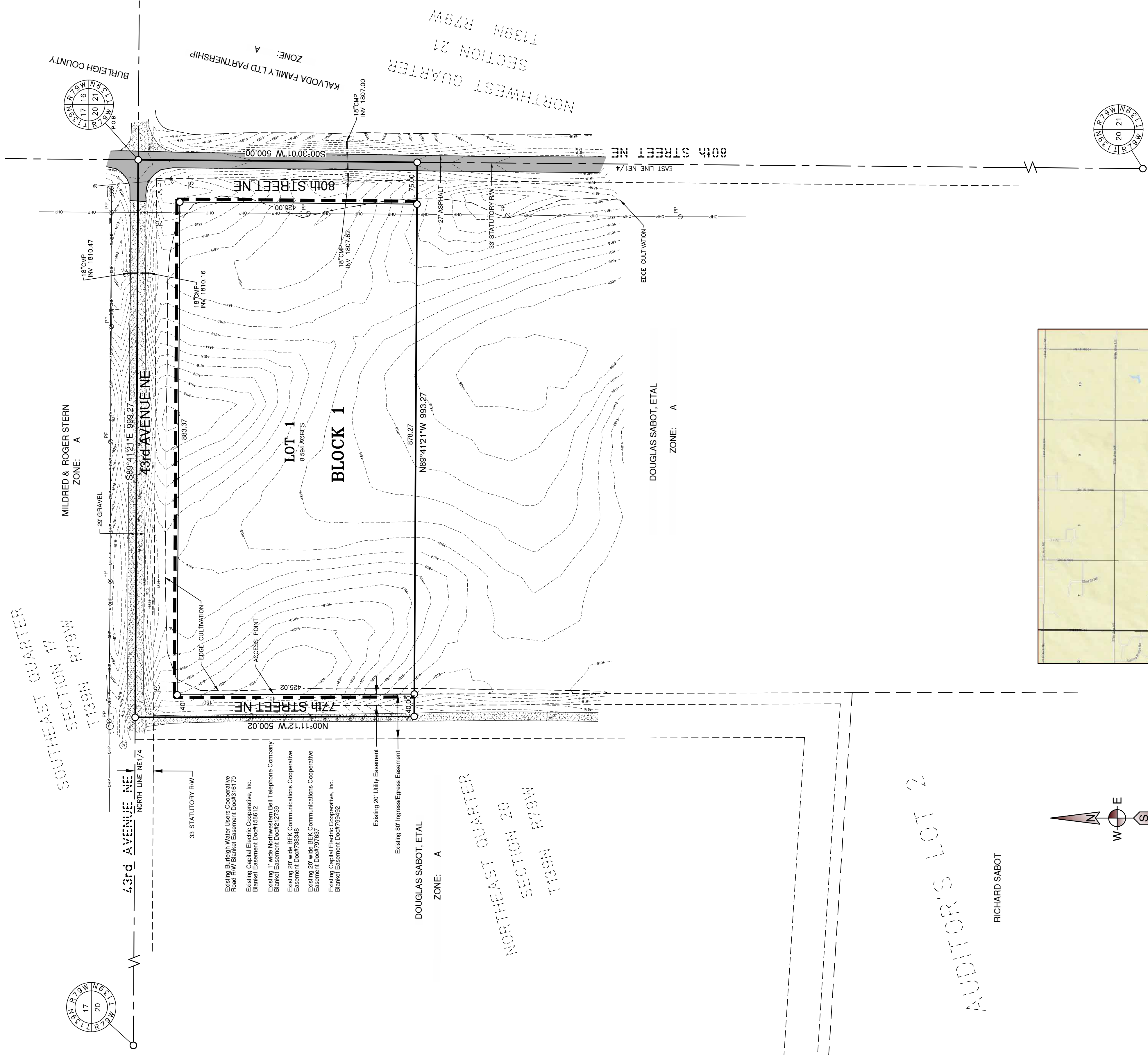
On this _____ day of _____, in the year of 2017, before me, a notary public with and for said County, personally appeared Thomas L. Meland, General Manager, known to me to be the person who is described in and who executed the within instrument and acknowledged to me that he executed the same in the name of Central Power Electric Cooperative, Inc.

Notary Public

PRELIMINARY PLAT OF

GIBBS SUBSTATION SUBDIVISION

TO THE CITY OF BISMARCK
PART OF THE NORTHEAST QUARTER OF SECTION 20, T139N, R79W BURLEIGH COUNTY, NORTH DAKOTA



PREPARED BY

3350 38th Avenue South
Fargo, ND 58104

Bismarck - Cedar Rapids - Denver - Detroit Lakes
Fargo - Sioux Falls - St. Paul - Williston

GRAPHIC SCALE IN FEET

0 50 100 200

NORTH DAKOTA STATE PLANE, SOUTH ZONE (NAD83)

VERTICAL DATUM NAVD 1988

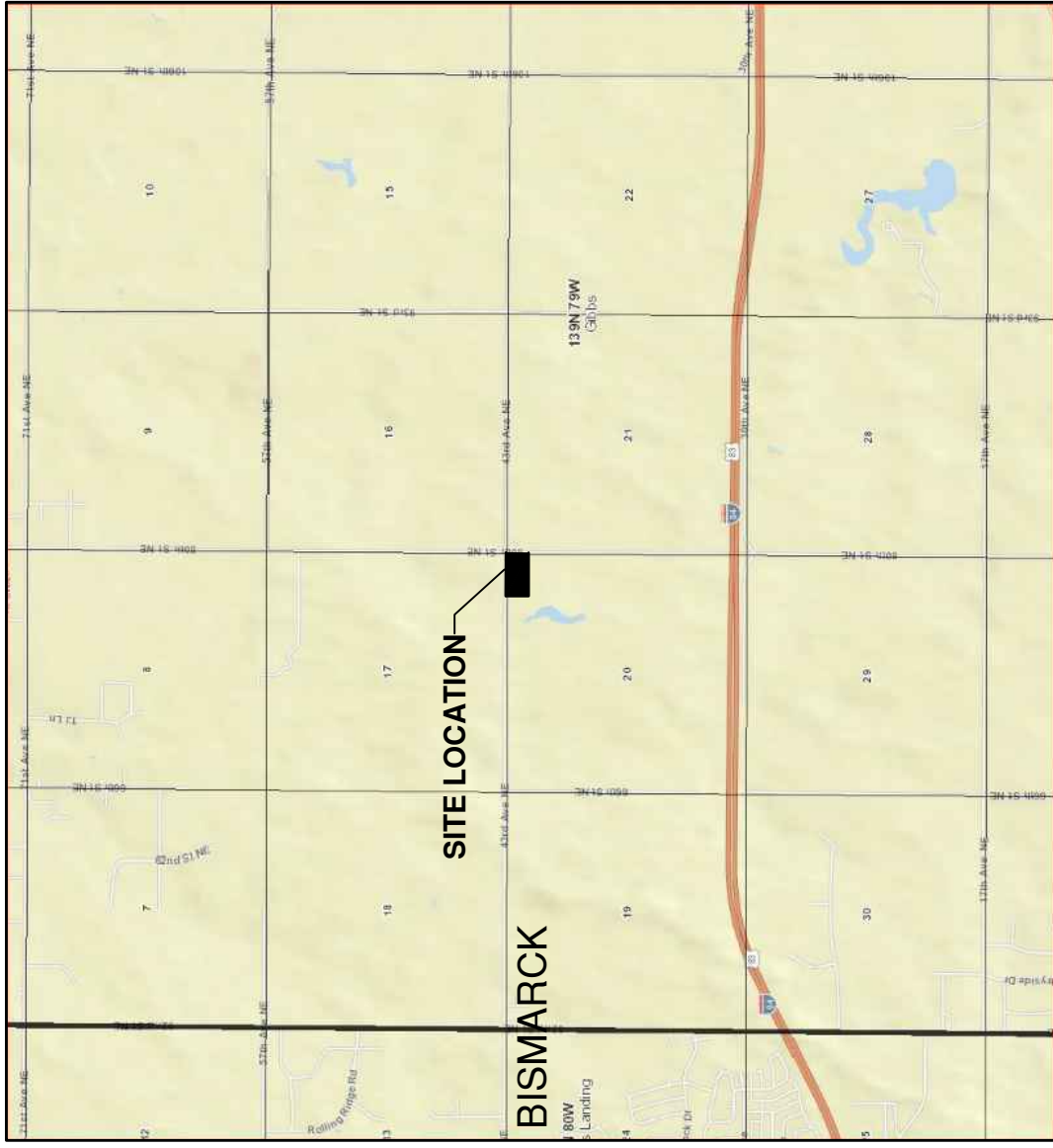
DECEMBER 20, 2016

PLAT DATA

TOTAL LOT AREA:	974,846 S.F. (6,584 ACRES)
TOTAL ROADWAY:	123,798 S.F. (2,842 ACRES)
TOTAL ACREAGE:	498,137 S.F. (11,436 ACRES)

SYMBOL LEGEND

●	MONUMENT IN PLACE
○	MONUMENT TO BE SET (5/8" REBAR CAPED LS-6206)
---	SECTION LINE
---	EXISTING PROPERTY RIGHT OF WAY LINE
---	PLAT BOUNDARY
---	EXISTING EASEMENT LINE
---	NON ACCESS LINE



CITY OF BISMARCK ENGINEERING DEPARTMENT APPROVAL

I, Gabriel J. Schell, City Engineer of Bismarck, North Dakota, hereby approve "GIBBS SUBSTATION SUBDIVISION" Bismarck, Burleigh County, North Dakota as shown on the amend plat

Approved by City Engineer this _____ day of _____, 2017.

Gabriel J. Schell, City Engineer

BISMARCK BOARD OF CITY COMMISSION APPROVAL

The Board of City Commissioners of the City of Bismarck, North Dakota, has approved the Subdivision as shown on the amend plat, has accepted the dedication of all streets shown there on, has approved the grounds as shown on the annexed plat as an amendment to the master plan of the City of Bismarck, North Dakota. And does hereby vacate any previous plating within the boundary of the annexed plat. The foregoing action of the City Commission of Bismarck, North Dakota, was taken by resolution approved the _____ day of _____, 2017.

Attest
Keith J Hunkle- City Administrator

CITY OF BISMARCK PLANNING COMMISSION

The Subdivision of Land as shown on the annexed plat has been approved by the Planning Commission of the City of Bismarck on the _____ day of _____, 2017, in accordance with the laws of the state of North Dakota, ordinances of the City of Bismarck and regulations adopted by the said planning commission in witness where of are set the hands and seals of the chairman and secretary of the planning commission of the City of Bismarck.

Wayne Lee Yeager - Chairman
Carl D. Hokenstad - Secretary

BOARD OF COUNTY COMMISSIONERS

The Board of County Commissioners of the Burleigh County, North Dakota, has approved the Subdivision as shown on the annexed plat, has accepted the dedication of all streets shown thereon, has approved the grounds as shown on the annexed plat as an amendment to the master plan of the City of Bismarck, North Dakota. And does hereby vacate any previous plating within the boundary of the annexed plat. The foregoing action of the Board of Commissioners of Burleigh County, North Dakota, was taken by resolution approved the _____ day of _____, 2017.

Brian Bliner, Chairman

Kevin J. Glatt, County Auditor

COORDINATE REFERENCE DATA

1. The Monument 1 being the Northeast corner Section 20, Township 139 North, Range 79 West
Northing: 432466.35
Easting: 1926636.03
Elevation =
Township 139 North, Range 79 West
Northing: 432493.94
Easting: 1921345.13
Elevation = 1858.12
Orientation of this bearing system is North Dakota State Plane, South Zone (NAD83). Coordinates above are expressed as grid coordinates.
2. The Monument 2 being the Northwest corner Section 20, Township 139 North, Range 79 West
Northing: 432493.94
Easting: 1921345.13
Elevation = 1858.12
Orientation of this bearing system is North Dakota State Plane, South Zone (NAD83). Coordinates above are expressed as grid coordinates.

SURVEYOR'S CERTIFICATE AND ACKNOWLEDGMENT

I, Daniel W. Skinner, Registered Professional Land Surveyor under License No. 1545, State of North Dakota, do hereby certify that this is a true and correct representation of the survey of said addition; that all distances shown on said plat are correct; that the monuments for the guidance of future surveys have been located or placed in the ground as shown.

Daniel W. Skinner, Professional Land Surveyor
North Dakota License LS-6206

State of North Dakota
County of Cass

On this _____ day of _____, 2017, before me, a notary public with and for said County, personally appeared Daniel W. Skinner, to me known to be the person described in and who executed the same as a free act and deed.

Notary Public

PRELIMINARY

RESOLUTION

WE, THE BOARD OF TOWNSHIP SUPERVISORS OF GIBBS TOWNSHIP,
BURLEIGH COUNTY, NORTH DAKOTA, HAVE BEEN ADVISED OF THE
PROPOSED PLAT OF GIBBS SUBSTATION COMMERCIAL SUBDIVISION AND
HEREBY RECOMMEND TO THE BOARD OF CITY COMMISSIONERS THAT
SAID PLAT BE (APPROVED)(DENIED). WE FURTHER RECOMMEND
ACCEPTANCE OF THE RIGHTS-OF-WAY SHOWN ON SAID PLAT BY THE
BURLEIGH COUNTY BOARD OF COUNTY COMMISSIONERS ON OUR BEHALF
(PLEASE ATTACH CONDITIONS, IF ANY, TO THE BOARD'S ACTION.)

IF THE TOWNSHIP IS RECOMMENDING DENIAL, PLEASE LIST THE REASONS:



CHAIRMAN, TOWNSHIP BOARD

ATTEST: TOWNSHIP CLERK



STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 7

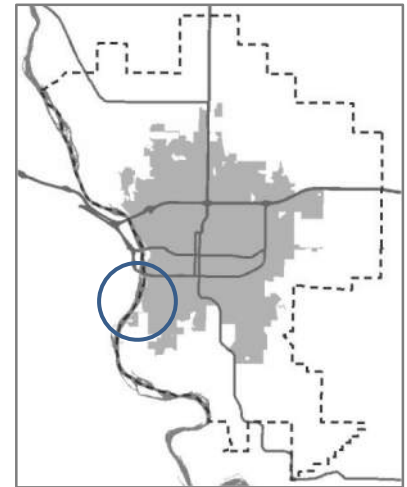
March 22, 2017

Application for: Major Planned Unit Development (PUD) Amendment

TRAKiT Project ID: PUDA2017-001

Project Summary

Title:	Southport Phase II PUD
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Galpin Entertainment, LLC (Units 1&2, The Pier Condominiums) Multiple owners (remainder of Southport Phase II)
Project Contact:	Neal Galpin, Galpin Entertainment, LLC
Location:	In southwest Bismarck, along the west side of Riverwood Drive south of Bismarck Expressway
Project Size:	20,028 square feet (The Pier Condominiums property) 43.1 acres (entire Southport Phase II PUD)
Request:	The proposed amendment to the PUD for Southport Phase II would allow the conversion of the two-story portion of The Pier building from an office use back to a restaurant/bar use.



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	8 lots in 1 block/147 parcels	Number of Lots:	8 lots in 1 block/147 parcels
Land Use:	Mixed use, as outlined in PUD	Land Use:	Mixed use, as outlined in PUD
Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan	Designated GMP Future Land Use:	Already zoned. Not in Future Land Use Plan
Zoning:	PUD – Planned Unit Development	Zoning:	PUD – Planned Unit Development
Uses Allowed:	PUD – Uses specified in PUD	Uses Allowed:	PUD – Uses specified in PUD
Max Density Allowed:	PUD – Density specified in PUD	Max Density Allowed:	PUD – Density specified in PUD

Property History

Zoned:	10/1992 (PUD) 03/2004 (New PUD) 02/2011 (PUDA) 02/2015 (PUDA)	Platted:	04/1993 (Southport)	Annexed:	05/1993
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Staff Analysis

Galpin Entertainment, LLC is requesting an amendment to the Southport Phase II Planned Unit Development in order to convert the two-story portion of The Pier building back to a bar/restaurant use from an office use. All other provisions of the PUD would remain as is.

Section 14-04-18 of the Bismarck Code of Ordinances (Zoning) indicates that the intent of the City's Planned Unit Development (PUD) district is "to encourage flexibility in development of land in order to promote its most appropriate use; to improve the design, character and quality of new development; to facilitate the adequate and economical provision of streets and utilities; and to preserve the natural and scenic features of open space." A copy of this section is attached.

Southport Phase II was part of the original Southport PUD approved in 1992. In 1996, this area was replatted as Southport Phase II and the original PUD was amended to allow for 86 residential units, a marina, a restaurant, a convenience store, an office, a recreation area, and 15 acres of common area. Development of the PUD and the various land uses were tied to an approved site plan.

In 1997, the Southport Phase II PUD was amended to allow "a mixed use development, including a maximum of 96 residential units, constructed in 2 and 4 unit buildings; commercial buildings, including offices, a restaurant, and a convenience store/fuel dispensing station; and a marina and its accessory uses. All buildings within the PUD shall not exceed 2 stories in height." The proposed changes were tied to a modified site plan, which included a 25' x 80' (2000sf) convenience store/fuel dispensing station on Lot 6 in the northwest quadrant of the intersection of Riverwood Drive and Southport Loop. The southern portion of Lot 1 (west of the channel) continued to be designated as a commercial area with offices, a marina and a restaurant.

There were two amendments to the PUD in 1998. The first amendment allowed the addition of a new building plan for the residential portion of the development. The second amendment allowed on-sale beer sales within the convenience store and the construction of a 42' x 48' deck on the northern end of the building.

In 2000, the PUD was amended to allow the southern portion of Lot 1 (west of the channel) to be developed as residential rather than the commercial uses originally approved (office, restaurant, marina). The amendment also allowed the designated restaurant area to be moved to the north end of Lot 2 (west of the channel), increased the total number of residential units allowed to 123, continued to include parking for marina use on Lot 1, and eliminated proposed office uses on Lot 1.

A proposed amendment in 2002 to expand the convenience store was withdrawn by the applicant.

In 2002, the PUD was amended to allow the replacement of the restaurant use on Lot 2 with six dwelling units (three twinhomes) and consolidate the commercial aspects of the original PUD in one location on Lot 6 (referred to as the convenience store/bar/restaurant building).

In 2011, the PUD was amended to change the use of the convenience store/bar/restaurant building on Lot 6 to allow the two-story portion of the building to be used as office space rather than a bar/restaurant. Sometime after the PUD amendment was approved, The Pier Condominiums were created to legally split the parcel into two units.

In 2015, the PUD was amended to increase the maximum number of dwelling units allowed in the development from 132 units to 133 units.

This PUD amendment as proposed would re-establish a bar/restaurant use in the two-story portion of the building on Lot 6; the previously approved office use would no longer be allowed.

Required Findings of Fact (relating to land use)

1. The proposed zoning change is in a developed portion of the community and is outside of the area covered by the Future Land Use Plan in the 2014 Growth Management Plan, as amended;
2. The proposed amendment is compatible with adjacent land uses and zoning;
3. The City of Bismarck and other agencies would be able to provide necessary public services,

(continued)

facilities and programs to serve any development allowed by the proposed amendment at the time the property is developed;

4. The proposed amendment is in the public interest and is not solely for the benefit of a single property owner;
5. The character and nature of the amended planned unit development contains a planned and coordinated land use or mix of land uses that are compatible and harmonious with the area in which it is located;
6. The amended planned unit development would preserve the natural features of the site insomuch as possible, including the preservation of trees and natural drainage ways;
7. The internal roadway circulation system within the amended planned unit development has been adequately designed for the type of traffic that would be generated;
8. Adequate buffer areas have been provided between the amended planned development and adjacent land uses, if needed, to mitigate any adverse impact of the planned unit development on adjacent properties.
9. The proposed amendment is consistent with the general intent and purpose of the zoning ordinance;
10. The proposed amendment is consistent with the master plan, other adopted plans, policies and accepted planning practice; and
11. The proposed amendment would not adversely affect the public health, safety, and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the major Planned Unit Development (PUD) amendment for the Southport Phase II PUD relating to the use of The Pier building, as outlined in the attached draft PUD ordinance.

Attachments

1. Section 14-04-18, City Code of Ordinances
2. Draft PUD Ordinance
3. Location Map
4. Site Plan

Staff report prepared by: Kim L. Lee, AICP, Planning Manager
701-355-1846 | klee@bismarcknd.gov

14-04-18. Planned Unit Developments. It is the intent of this section to encourage flexibility in development of land in order to promote its most appropriate use; to improve the design, character and quality of new development; to facilitate the adequate and economical provision of streets and utilities; and to preserve the natural and scenic features of open space.

1. Site plan, written statement and architectural drawings. The application must be accompanied by a site plan, a written statement and architectural drawings:

a. Site plan. A complete site plan of the proposed planned unit prepared at a scale of not less than one (1) inch equals one hundred (100) feet shall be submitted in sufficient detail to evaluate the land planning, building design, and other features of the planned unit. The site plan must contain, insofar as applicable, the following minimum information.

- 1) The existing topographic character of the land;
- 2) Existing and proposed land uses;
- 3) The location of all existing and proposed buildings, structures and improvements;
- 4) The maximum height of all buildings;
- 5) The density and type of dwelling;
- 6) The internal traffic and circulation systems, off-street parking areas, and major points of access to public right-of-way;
- 7) Areas which are to be conveyed, dedicated or reserved as common park areas, including public parks and recreational areas;
- 8) Proposed interior buffer areas between uses;
- 9) Acreage of PUD;
- 10) Utility service plan showing existing utilities in place and all existing and proposed easements;
- 11) Landscape plan; and
- 12) Surrounding land uses, zoning and ownership.

b. Written statement. The written statement to be submitted with the planned unit application must contain the following information:

- 1) A statement of the present ownership and a legal description of all the land included in the planned unit;
- 2) An explanation of the objectives to be achieved by the planned unit, including building descriptions, sketches or elevations as may be required to described the objectives; and
- 3) A copy of all proposed condominium agreements for common areas.

c. Architectural drawings - the following architectural drawings shall be submitted in sufficient detail to allow evaluation of building height, form, massing, texture, materials of construction, and type, size, and location of door and window openings:

1) Elevations of the front and one side of a typical structure.

2) A perspective of a typical structure, unless waived by the planning department.

2. Review and approval.

a. All planned units shall be considered by the planning commission in the same manner as a zoning change. The planning commission may grant the proposed planned unit in whole or in part, with or without modifications and conditions, or deny it.

b. All approved site plans for planned units, including modifications or conditions shall be endorsed by the planning commission and filed with the Director of Community Development. The zoning district map shall indicate that a planned unit has been approved for the area included in the site plan.

3. Standards. The planning commission must be satisfied that the site plan for the planned unit has met each of the following criteria:

a. Proposal conforms to the comprehensive plan.

b. Buffer areas between noncompatible land uses may be required by the planning commission.

c. Preservation of natural features including trees and drainage areas should be accomplished.

d. The internal street circulation system must be designed for the type of traffic generated. Private internal streets may be permitted if they conform to this ordinance and are constructed in a manner agreeable to the city engineer.

e. The character and nature of the proposal contains a planned and coordinated land use or mix of land uses which are compatible and harmonious with adjacent land areas.

4. Changes.

a. Minor changes in the location, setting, or character of buildings and structures may be authorized by the Director of Community Development.

b. All other changes in the planned unit shall be initiated in the following manner:

1) Application for Planned Development Amendment.

a) The application shall be completed and filed by all owners of the property proposed to be changed, or his/their designated agent.

b) The application shall be submitted by the specified application deadline and on the proper form and shall not be accepted by the Director of Community Development unless and, until all of the application requirements of this section have been fulfilled.

2) Consideration by Planning Commission. The planning commission secretary, upon the satisfactory fulfillment of the amendment application and requirements contained herein, shall schedule the requested amendment for a regular or special meeting of the planning commission, but in no event later than sixty (60) calendar days following the filing and acceptance of the application. The planning commission may approve and call for a public hearing on the request, deny the request or table the request for additional study.

3) Public Hearing by Planning Commission. Following preliminary approval of an amendment application, the Director of Community Development shall set a time and place for a public hearing thereon. Notice of the time and place of holding such public hearing shall be published in a newspaper of general circulation in the City of Bismarck once each week for two (2) consecutive weeks prior to the hearing. Not less than ten (10) days prior to the date of the scheduled public hearing, the City shall attempt to notify all known adjacent property owners within three hundred (300) feet of the planned unit development amendment. "Notify" shall mean the mailing of a written notice to the address on record with the City Assessor or Burleigh County Auditor. The failure of adjacent property owners to actually receive the notice shall not invalidate the proceedings. The Planning Commission may approve, approve subject to certain stated conditions being met, deny or table the application for further consideration and study, or, because of the nature of the proposed change, make a recommendation and send to the Board of City Commissioners for final action.

(Ord. 4364, 05-07-91; Ord. 4876, 11-25-97; Ord. 4946, 10-27-98; Ord. 5218, 11-26-02; Ord. 5343, 06-22-04; Ord. 5351, 08-24-04; Ord. 5728, 05-26-09)

**SOUTHPORT PHASE II PLANNED UNIT DEVELOPMENT
ORDINANCE NO. 5312 (Adopted March 23, 2004)
MAJOR PUD AMENDEMNT (Adopted March 23, 2011)
MAJOR PUD AMENDMENT (Adopted February 25, 2015)
MAJOR PUD AMENDMENT (Adopted _____)**

WHEREAS, Ordinance No. 5312 was adopted by the Board of City Commissioners on March 23, 2004; and

WHEREAS, the ordinance indicates that any change in the uses outlined in the ordinance requires an amendment to the PUD; and

WHEREAS, Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments) outlines the requirements for amending a PUD; and

WHEREAS, the PUD was amended on March 23, 2011 to change the use of the convenience store/bar/restaurant building on Lot 6 to allow the two-story portion of the building to be used as office space rather than a bar/restaurant and to eliminate the convenience store use; and

WHEREAS, the PUD was amended on February 25, 2015 to change the increase the maximum number of units within the PUD from 132 to 133; and

WHEREAS, Galpin Entertainment LLC has requested an amendment to the Planned Unit Development for Southport Phase II.

NOW, THEREFORE, BE IT RESOLVED by the Bismarck Planning and Zoning Commission of the City of Bismarck, North Dakota, a municipal corporation, that the request to amend the Planned Unit Development for the following described property:

Lots 1-8, Southport Phase II and Lots B-1 and C of Lot 53, and Tracts 1406, 1408, and Lot B of Lot 54, Block 1, Southport

is hereby approved and this PUD is now subject to the following development standards:

1. *Uses Permitted.* Uses permitted include a mixed use development, including a maximum of 133 residential units constructed in two, three, four and five unit buildings on Lots 1, 2, 4, 7, Southport Phase II and Lots B-1 and C of Lot 53, and Tracts 1406, 1408, and Lot B of Lot 54, Block 1, Southport; marina parking facilities, a marina restroom facility and boat ramp on Tracts A, B and C of Lot 1, Southport Phase II; a bar/restaurant/office building, a marina restroom facility, and parking facilities on Lot 6, Southport Phase II; a maintenance/office building on Lot 4, Southport Phase II; a private roadway over Lot 3, Southport Phase II (Southport Loop); and channel/marina facilities, including the sale of gas and minor convenience items from a kiosk,

on Lots 5 and 8, Southport Phase II. The configuration of residential units and other uses shall generally conform to the overall development plan for Southport Phase II dated March 3, 2004. Any change in the use of any building from that indicated above will require an amendment to this PUD.

2. *Residential Development Standards.* The maximum allowable density shall be 133 units, the minimum building setback requirements at the perimeter of the PUD shall be a front yard setback of 25 feet along Riverwood Drive, a minimum rear yard setback of 20 feet, and a minimum side yard setback of 6 feet. Setbacks between buildings within the PUD shall be the minimum allowed under the City's building code. Residential building types shall be substantially similar to those approved in the original PUD and subsequent amendments and shall be no more than two stories in height. Any change to the density or building setbacks that are inconsistent with these standards will require an amendment to this PUD.
3. *Commercial Development Standards.* The bar/restaurant/~~office~~ building on Lot 6 shall be no larger than 4850 square feet in size on two floors (3490 square feet on the first floor and 1360 square feet on the second floor), with a first floor deck no larger than 1920 square feet on the west side of the building (~~480 square feet associated with office use and 1440 square feet associated with bar/restaurant use~~), and a second floor deck no larger than 480 square feet on the west side of the building (~~associated with office use~~), as submitted with the request for ~~this a~~ PUD amendment (exterior elevations and building footprint) and subsequent amendments. ~~The two story portion of the building will be used for offices and the one story portion of the one story building will be used as a bar/restaurant.~~ The minimum front yard setback for the building shall be 25 feet along Riverwood Drive. Operation of the bar/restaurant will be subject to any standards agreed to by the City and the Developer in conjunction with liquor licensing for the establishment. The kiosk to be located at the end of the southernmost dock on Lot 5 shall be no larger than 100 square feet, no more than one story in height, and architecturally similar to other buildings in the development. Any change to the exterior dimensions, uses or setbacks of the building that are inconsistent with these standards will require an amendment to this PUD.
4. *Maintenance Building/Office.* The maintenance/office building located on Lot 4 shall be no larger than 1200 square feet, no more than one story in height, and shall be architecturally similar to other buildings in the development. This building may be used for storage of maintenance equipment for the development and office space for Southport Development. Any change to the location, size or use of this building that is inconsistent with these standards will require an amendment to this PUD.
5. *Marina Restroom Facilities.* The marina restroom facility located on Tract A of Lot 1, and any future marina restroom facility to be located on Lot 6, shall

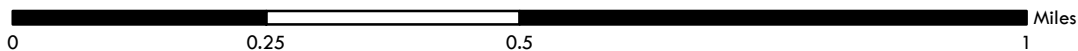
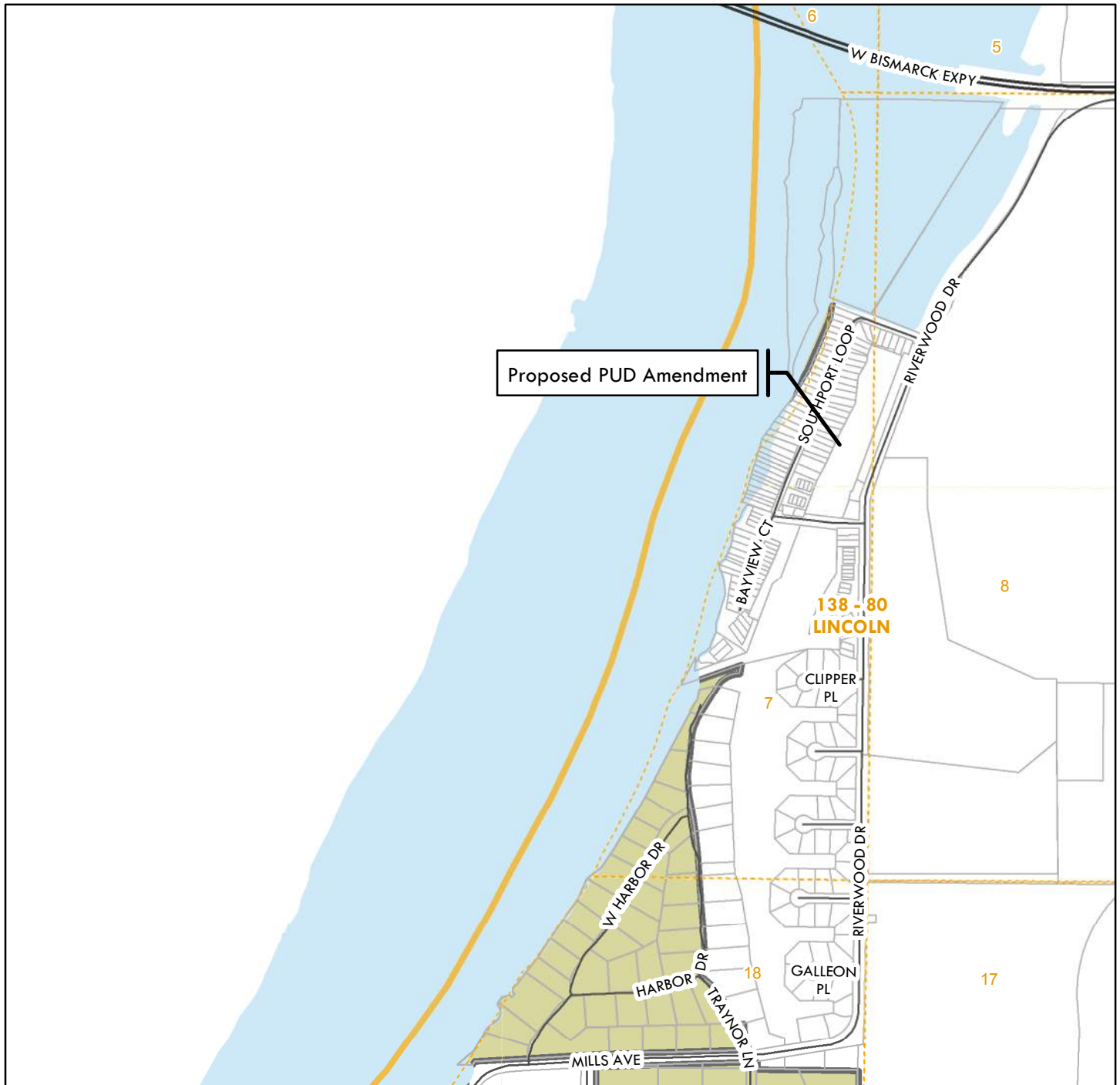
be no larger than 256 square feet, no more than one story in height, and shall be architecturally similar to other buildings in the development. The marina restroom facility on Lot 6 may be attached to the north side of the bar/restaurant, rather than a free-standing building, provided the addition is no more than 256 square feet, no more than one story in height, and architecturally similar to the rest of the building. Any change to the location, size or use of these buildings that is inconsistent with these standards will require an amendment to this PUD.

6. *Parking.* Off-street parking areas shall be provided on Lot 1 and on Lot 6 as shown on the overall development plan. Based on the square footage of the bar/restaurant/office building and the number of rental docks, a minimum of 225 off-street parking spaces must be provided on Lot 6 and a minimum of 80 off-street parking spaces must be provided on Lot 1, as shown on the overall development plan. That portion of the parking lot on Lot 6 required to provide the number of parking spaces required for the bar/restaurant/office building shall be paved. Any changes to the location of parking areas will require an amendment to this PUD.
7. *Signage.* Signage shall be limited to the existing signage for the bar/restaurant/office building and one development identification sign, which will be placed on Lot 6. The existing signage for the bar/restaurant/office building may be upgraded and refurbished as needed, although the size of the faces cannot be increased. The development identification sign to be installed on Lot 6 shall be a monument style sign no more than 60 square feet in area, and shall meet all other requirements as outlined in Section 14-03-05(9) of the City Code (Residential Area Identification Signs). Any change to the location or size of the allowed signs will require an amendment to this PUD.
8. *Changes.* This PUD shall only be amended in accordance with Section 14-04-18(4) of the City Code of Ordinances (Planned Unit Developments). Major changes require a public hearing and a majority vote of the Bismarck Planning & Zoning Commission.




Southport Phase II PUD Amendment

Project
Location Map



 City Limits

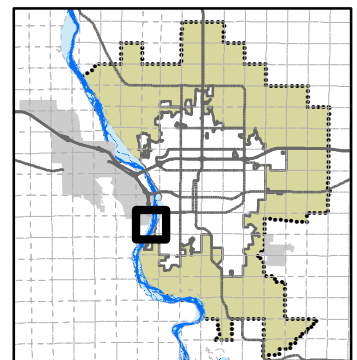
 Bismarck ETA Jurisdiction

Section, township, and
range indicated in orange



City of Bismarck
Community Development Department
Planning Division
January 27, 2017 (HLB)

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STAFF REPORT

City of Bismarck
Community Development Department
Planning Division

Agenda Item # 8

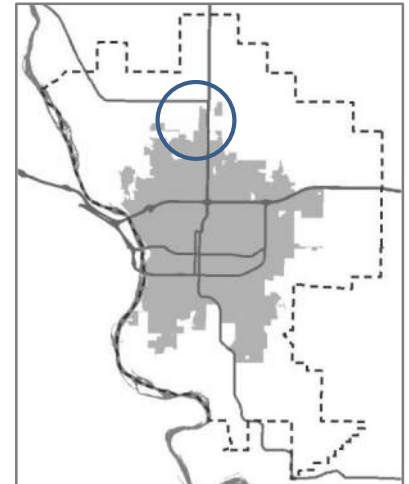
March 22, 2017

Application for: Special Use Permit

TRAKiT Project ID: SUP2017-001

Project Summary

Title:	Lot 46, Block 2, Sonnet Heights First Subdivision
Status:	Planning & Zoning Commission – Public Hearing
Owner(s):	Jaxon-Jaeger Rental, LLC (owner)
Project Contact:	Jason Petryszyn, PE, Swenson, Hagen & Co, PC
Location:	In north Bismarck, west of US Highway 83 between Canada Avenue and East Lasalle Drive along the west side of Ottawa Street.
Project Size:	0.87 acres
Request:	Approval of a special use permit for the operation of a drive-through oil change facility in conjunction with a tire repair business (Tires Plus).



Site Information

Existing Conditions		Proposed Conditions	
Number of Lots:	1 lot in 1 block	Number of Lots:	1 lot in 1 block
Land Use:	Undeveloped	Land Use:	Commercial
Designated GMP	Already zoned. Not in Future Land Use Plan	Designated GMP	Already zoned. Not in Future Land Use Plan
Future Land Use:		Future Land Use:	
Zoning:	CG – Commercial	Zoning:	CG – Commercial
Uses Allowed:	CG – General commercial, multi-family residential, and offices	Uses Allowed:	CG – General commercial, multi-family residential, and offices
Max Density Allowed:	CG – 42 units / acre	Max Density Allowed:	CG – 42 units / acre

Property History

Zoned:	5/22/2007	Platted:	9/22/2007	Annexed:	2006
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Staff Analysis

The applicant is requesting a special use permit to allow for the permanent operation of a drive-through oil change facility in conjunction with a tire repair business (Tires Plus).

Proposed project is located on land zoned CG-Commercial. A drive-through service facility is allowed as a special use in the CG – Commercial zoning district, provided specific conditions are met. The proposed facility meets all of the provisions outlined in Section 14-03-08(4)(g) and meets the required vehicle stacking requirements outlined in Section 14-03-10(4) of the City Code of Ordinances (Zoning). Copies of both sections of the ordinance are attached.

Adjacent land uses include, vacant land zoned CG-Commercial to the south, retail to the east across US Highway 83, and a public owned storm water facility on land zoned P-Public to the west and north.

Required Findings of Fact (relating to land use)

1. The proposed special use complies with all applicable provisions of the zoning ordinance and is consistent with the general intent and purpose of the zoning ordinance;
2. The proposed special use is compatible with adjacent land uses and zoning;
3. The proposed special use would be designed, constructed, operated and maintained in a manner that is compatible with the appearance of the existing or intended character of the surrounding area;

4. Adequate public facilities and services are in place or would be provided at the time of development;
5. The proposed special use would not cause a negative cumulative effect, when considered in conjunction with other uses in the immediate vicinity;
6. Adequate measures have been or would be taken to minimize traffic congestion in the public streets and to provide for appropriate on-site circulation of traffic and;
7. The proposed special use would not adversely affect the public health, safety and general welfare.

Staff Recommendation

Based on the above findings, staff recommends approval of the special use permit for the construction and operation of a drive-through oil change facility on Lot 46, Block 2, Sonnet Heights First Subdivision, with the following condition:

1. The development of the site must generally conform to the site plan submitted with the application.

Attachments

1. Section 14-03-10(4) of City Code
2. Section 14-03-08(4)(g) of City Code
3. Location Map
4. Site Plan

Staff report prepared by: Will Hutchings
701-355-1850 | whutchings@bismarcknd.gov

14-03-10(4)

4. Off-street vehicle stacking. Except as provided elsewhere in this section, no application for a building permit or certificate of occupancy for a commercial or industrial use shall be approved unless there is included with the plan for such building improvement or use, a site plan showing the required space designated as being reserved for off-street vehicle stacking purposes to be provided in connection with such building improvements or use in accordance with this section; and no certificate of occupancy shall be issued unless the required facilities have been provided. Each required vehicle stacking space shall be of an area at least ten (10) feet wide and twenty (20) feet in length. Vehicle stacking lanes shall be located completely upon the parcel of land that includes the structure they are intended to serve and shall be so designed as to not impede on- or off-site traffic movements. All vehicle stacking spaces shall be surfaced with a dustless all-weather hard surface material. Acceptable surfacing materials include asphalt, concrete, brick, cement pavers or similar materials installed and maintained according to industry standards. Crushed rock or gravel shall not be considered an acceptable surfacing material. The number of off-street vehicle stacking spaces shall be provided on the basis of the following minimum requirements:

Type of Use	Minimum Number of Stacking Spaces	Measured From
Financial institution- ATM	3 spaces per lane	Kiosk
Financial institution – teller	4 spaces for first lane, 3 spaces for each additional lane	Window or pneumatic tube kiosk
Drive-through restaurant	12 spaces	Pick-up window
Drive-through coffee shop	10 spaces	Pick-up window
Car wash, automatic	6 spaces per bay	Entrance
Car wash, self-service	3 spaces per bay	Entrance
Drive-through car service (oil change and similar)	3 spaces per bay	Entrance
Drive-through pharmacy	3 spaces	Window
Drive-through cleaners	3 spaces	Window
Drive-through photo lab	3 spaces	Window
Self-service fueling station	2 spaces per fueling island	Each end of the fueling island
Gated parking lots and entrances	2 spaces	Gate

14-03-08(4)(g)

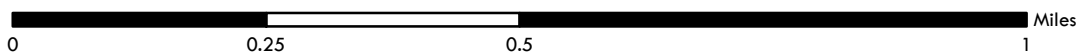
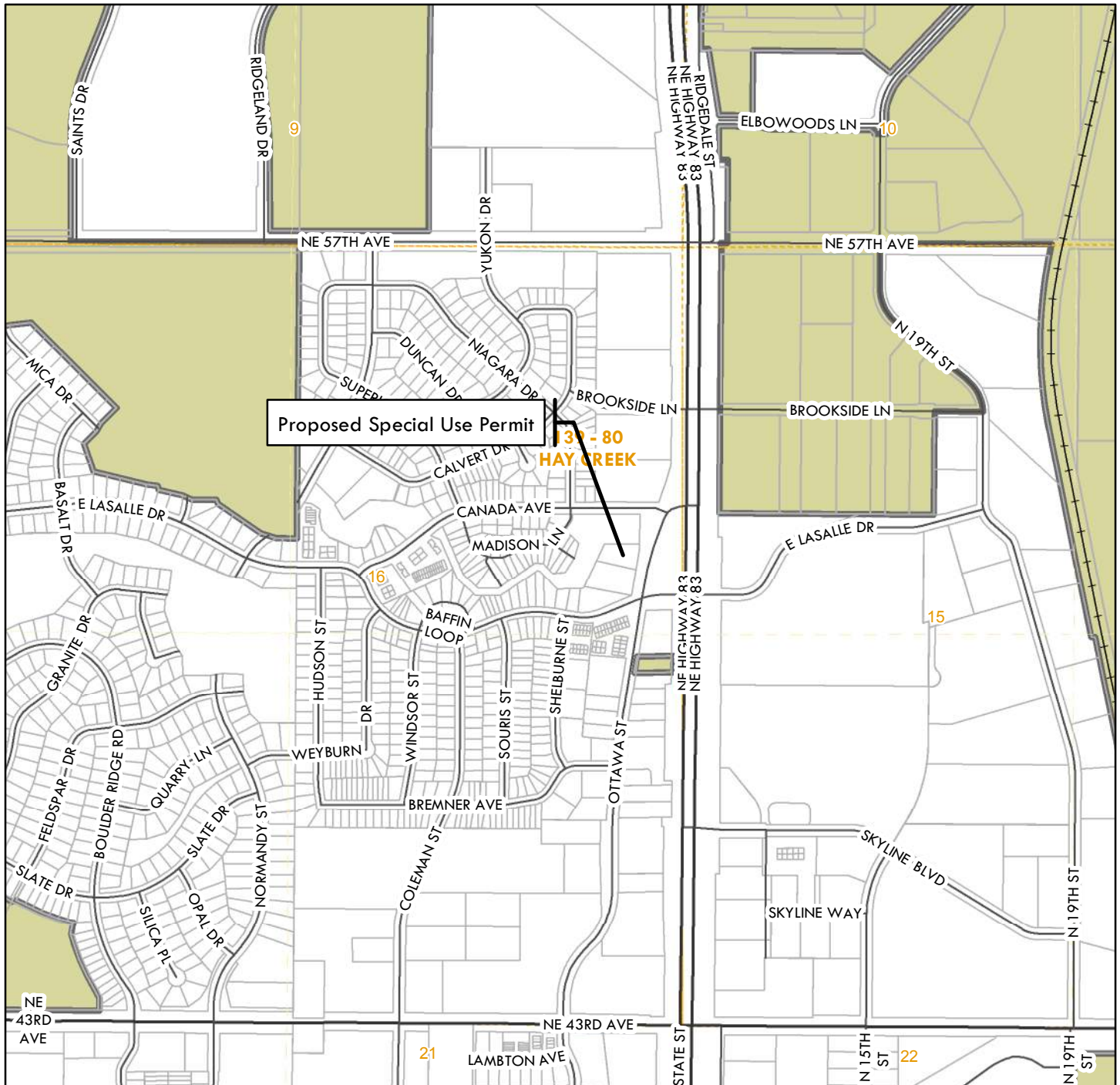
g. Drive-in/drive-through retail or service establishments. An establishment dispensing goods at retail or providing services through a drive-in/drive-through facility, including, but not limited to drive-in/drive-through restaurants, banks or other drive-in/drive-through facilities, exclusive of theatres, may be permitted in a CG, CR, MA or HM district (drive-in/drive-through facilities for banks and drive-in/drive-through windows for pharmacies as an ancillary use to a medical office/clinic only may also be permitted in a CA district) as a special use provided:

1. The lot area, lot width, front yard, side yards, rear yard, floor area and height limit of the structure and its appurtenances shall conform to the requirements of the district in which it is located.
2. Access to and egress from a drive-in/drive-through establishment shall be arranged for the free flow of vehicles at all times, so as to prevent the blocking or endangering of vehicular or pedestrian traffic through the stopping or standing or backing of vehicles on sidewalks or streets.
3. Adequate off-street parking shall be provided in conformance with section 14-03-10 of this ordinance. In addition, vehicle stacking spaces shall be provided on the premises in accordance with section 14-03-10 of this ordinance, in addition to all common ingress and egress areas provided.
4. Ingress and egress points shall be maintained at not less than sixty (60) feet from an intersecting street corner of arterial or collector streets, and not less than forty (40) feet from an intersecting street corner on local street.
5. All access and egress driveways shall cross a sidewalk only in such a manner that its width at the inner edge of the sidewalk is no greater than its width at the curb, excluding any curved or tapered section known as the curb return. Any portion of a parking or loading area abutting a sidewalk at a point other than a permitted driveway shall be provided with wheel stops, bumper guards, or other devices to prevent encroachment of parked, standing or moving vehicles upon any sidewalk area not contained within a permitted driveway. All curb cuts, widths and other specifications shall comply with the standards established by the city engineer.
6. On a corner lot no fence, wall, terrace, structure, shrubbery or automobile shall be parked or other obstruction to vision having a height greater than three (3) feet above the curb shall occupy the space in a triangle formed by measuring ten (10) feet back along the side and front property lines.



Lot 46, Block 2, Sonnet Heights First Subdivision Special Use Permit (Drive-Through)

Project
Location Map



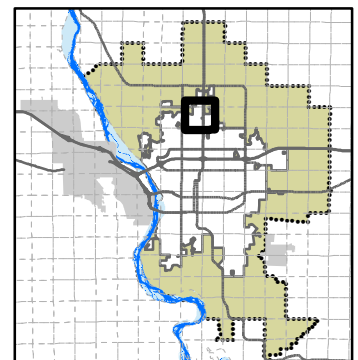
City Limits Bismarck ETA Jurisdiction

Section, township, and
range indicated in orange



City of Bismarck
Community Development Department
Planning Division
February 23, 2017 (HLB)

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(S1) MATERIALS AND CONSTRUCTION METHODS SHALL COMPLY WITH CITY OF CHICAGO SPECIFICATIONS FOR ALL MATERIALS AND CONSTRUCTION METHODS. THE CONTRACTOR AT RECOMMENDED SOIL CONTENT. TESTING IS REQUIRED TO BE MAINTAINED BETWEEN INCIDENTAL ONE FOOT OF SEPARATION SHALL BE MAINTAINED BETWEEN WATER AND SEWER SERVICES.

(S2) CONNECT TO EXISTING 8" SANITARY SEWER MAIN USING AN 8"x4" INSERT-TEE (NIN 08.50.00).
(NIN 100.00 LF OF 4" SANITARY SEWER @ 6.8000% AND CLEANOUT
(NIN 08.50.00)

(S3) INSTALL 25.82 LF OF 4" SANITARY SEWER @ 6.7777% AND 45' BEND (NIN 07.25).

(S4) INSTALL 10.03 LF OF 4" SANITARY SEWER @ 6.7797% AND 45' BEND (NIN 07.25).

(S5) INSTALL 17.41 LF OF 4" SANITARY SEWER @ 6.8023% AND TYPIC CAP (NIN 100.12). COORDINATE WITH MECHANICAL ON CONNECTION WITH SAND/OIL INTERCEPTOR.

(S7) REMOVE AND SALVAGE TYPE II COVER. CONSTRUCT 2' FOOT BARREL SECTION WITH FLAT BOTTOM ON TOP OF THE EXISTING BARREL SECTION WITH 1' JOINT SLAB PLACED BETWEEN THE TWO. CONSTRUCT A 12" DIA. CAST IN PLACE CONCRETE RINGS TO BE USED TO HOLD THE RINGS THEN BE SECURED TO EACH OTHER WITH 3" OUTSIDE STRAPS AT 120" INTERVALS. THE STRAPS SHALL BE 30"x4"x3/8" HOT DIPPED GALVANIZED PLATES SECURED TO THE CONCRETE MANHOLE WITH 1/2" DIA. WELDED BOLTS. THE BOLTS SHOULD BE LOCATED BELOW THE JOINT. REINSTALL EXISTING TYPE II COVER.

107	INSTALL 8.00 LF OF 2" WATER SERVICE PIPE (INV. 09.60) COORDINATE MECHANICAL ON CONNECTION TO BUILDING.
108	INSTALL 5.00 LF OF 6" WATERMAIN AND TEMP PLUG (INV. 09.80) COORDINATE MECHANICAL ON CONNECTION TO BUILDING.
109	INSTALL 3.91 LF 6" WATERMAIN AND 6"x2" TEE (INV. 09.80)
110	INSTALL 4.37 LF 6" WATERMAIN AND 45° BEND (INV. 09.80)
111	INSTALL 92.89 LF 6" WATERMAIN AND 45° BEND (INV. 08.60)
112	CONNECT TO EXISTING 16" WATERMAIN WITH AN 16"x6" TAPPING SADDLE. 6" VALVE (INV. 1801.5E)
113	CONTRACTOR SHALL COMPLY WITH STANDARD PRACTICES FOR THE PROCTOR AT RECOMMENDED MOISTURE CONTENT.
114	CHLORINATED, PRESSURE TESTED AND FLUSHED. TESTING IS CONSIDERED ADEQUATE.

S21	MATERIALS AND CONSTRUCTION METHODS SHALL COMPLY WITH CITY OF CHICAGO SPECIFICATIONS. ALL MATERIALS SHALL BE APPROVED BY THE PROJECT ARCHITECT. ALL MATERIALS SHALL BE CHLORINATED, PRESSURE TESTED AND FLUSHED. TESTING IS CONSIDERED INDICATIVE.	
S22	INSTALL 5273 LF OF 18" STORM SEWER (INCLUDING F.E.S.) @ 1.866% (INSTALL INLV. 1711.15, DOWNSIDE INLV. 1710.5)	
S23	INSTALL 5114 LF OF 18" STORM SEWER (INCLUDING F.E.S.) @ 1.9554% (INSTALL INLV. 1709.0, DOWNSIDE INLV. 1708.0)	
S24	INSTALL 23.00 LF OF 18" STORM SEWER (INCLUDING F.E.S.) AND 2'x3' INLET (INV. 07.00).	

NOTES).

EXISTING SANITARY SEWER

EXISTING WATERMAN

EXISTING STORM SEWER

EXISTING UNDERGROUND ELECTRIC

EXISTING UNDERGROUND TELEPHONE

EXISTING UNDERGROUND GAS

EXISTING UNDERGROUND CABLE TV

EXISTING UNDERGROUND FIBER OPTIC

EXISTING OVERHEAD POWER

EXISTING GATE VALVE

EXISTING HYDRANT

EXISTING FENCE

EXISTING ASPHALT

EXISTING CONCRETE

EXISTING GRAVEL

EXISTING RETAINING WALL

EXISTING CONTOUR

EXISTING GRADE

PROPOSED REMOVALS

PROPOSED SANITARY SEWER

PROPOSED WATERMAN

PROPOSED STORM SEWER

PROPOSED FENCE

PROPOSED GATE VALVE

PROPOSED HYDRANT

PROPOSED CONCRETE

PROPOSED ASPHALT/CONCRETE/ALTERNATE

PROPOSED CRUSHED CONCRETE

PROPOSED RETAINING WALL

PROPOSED CONTOUR

PROPOSED GRADE

61.02+ 61.04+

Inlet/MH Number	Inlet #1
Manhole/Inlet Size	2'x3' BOX
Casting Type	ASTM A-152/A-532 W/ FLYASH
Gutter Elev.	12.00
Top P.C. Section	11.71
Invert Elev. (a)	07.00
Length of P.C.	4.21

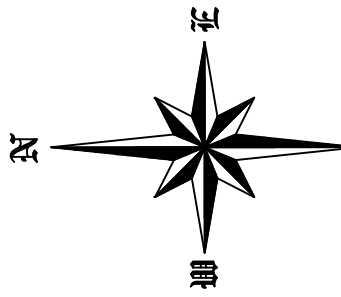
1. INSTALL APPROPRIATE SOIL COVER BEFORE INSTALLATION OF SCOURSTOP.
2. PLACE SCOURSTOP MAT(S) ADJACENT TO CULVERT AND OTHER SCOURSTOP MATS TO AVOID GAPS.
3. DO NOT OVERLAP ADJACENT MATS
4. ANCHOR SCOURSTOP WITH MINIMUM 8 BULLET ANCHORS PER MAT PER MANUFACTURERS SPECIFICATIONS.

The designs represented in these plans are in accordance with established practices of civil engineering. However, neither Swenson, Hogen & Co. nor its personnel can or do warrant these plans as constructed except in the specific cases where Swenson, Hogen & Co personnel inspect and control the physical construction on a full time basis.

In accordance with generally accepted construction practices the contractor will be solely and completely responsible for conditions of the job site, including safety of all persons and property during performance of the work. This requirement will apply continuously and not be limited to normal business hours.

The location of existing underground utilities are shown in an approximate way only and have not been independently verified by the owner or its representatives. The Contractor shall determine the exact location of all existing utilities before commencing work, and agrees to be fully responsible for any and all damages which might be occasioned by the Contractor's failure to exactly locate and preserve any and all underground utilities.

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P.C.

SCALE - 1" = 20'
 SVD 29 DATUM
 MAY 18, 2017
 REVISED:

**BISMARCK PLANNING & ZONING COMMISSION
MEETING MINUTES
February 22, 2017**

The Bismarck Planning & Zoning Commission met on February 22, 2017, at 5:00 p.m. in the Tom Baker Meeting Room in the City-County Office Building, 221 North 5th Street. Chairman Yeager presided.

Commissioners present were Tom Atkinson, Susan Axvig, Mike Donahue, Vernon Laning, Doug Lee, Gabe Schell and Wayne Yeager.

Commissioners Brian Bitner, Mike Schwartz, Mike Seminary and Lisa Waldoch were absent.

Staff members present were Carl Hokenstad – Director of Community Development, Kim Lee – Planning Manager, Will Hutchings – Planner, Jenny Wollmuth – Planner, Daniel Nairn – Planner, Hilary Balzum – Community Development Administrative Assistant and Charlie Whitman – City Attorney.

Chairman Yeager introduced Susan Axvig as a new Bismarck Planning and Zoning Commissioner, representing the extraterritorial area (ETA) of the City of Bismarck and appointed to fill the term of Ken Selzler. Commissioner Axvig provided some background information on herself and said she is looking forward to working with this Commission.

MINUTES

Chairman Yeager called for consideration of the minutes of the January 25, 2017 meeting.

Commissioner Schell pointed out clarifications needed on how transportation is provided to people who arrive at Ruth Meiers Hospitality House, and need to go elsewhere, as well as the signature counts on the petition provided by Ms. Duppong.

MOTION: Commissioner Lee made a motion to approve the minutes of the January 25, 2017 meeting, with the suggested clarifications. Commissioner Atkinson seconded the motion and it was unanimously approved with Commissioners Atkinson, Axvig, Donahue, Laning, Lee, Schell and Yeager voting in favor of the motion.

CONSIDERATION

- A. LOTS 14-23, BLOCK 2, EDGEWOOD VILLAGE 7TH ADDITION – ZONING CHANGE**
- B. LOTS 1 AND 2, BLOCK 1, HAMILTON’S FIRST ADDITION – ZONING CHANGE**
- C. SOUTHPORT PHASE II – PUD AMENDMENT**

D. DEFINITIONS (SECTION 14-02-03) AND LANDSCAPING AND SCREENING (SECTION 14-03-11) – ZONING ORDINANCE TEXT AMENDMENT

Chairman Yeager called for consideration of the following consent agenda items:

- A. Lots 14-23, Block 2, Edgewood Village 7th Addition – Zoning Change
- B. Lots 1 and 2, Block 2, Hamilton's First Addition – Zoning Change
- C. Southport Phase II – PUD Amendment
- D. Definitions (Section 14-02-03) and Landscaping and Screening (Section 14-03-11) – Zoning Ordinance Text Amendment

MOTION: Commissioner Laning made a motion to approve consent agenda items A, B, C and D, granting tentative approval or calling for public hearings on the items as recommended by staff. Commissioner Lee seconded the motion and it was unanimously approved with Commissioners Atkinson, Axvig, Donahue, Laning, Lee, Schell and Yeager voting in favor of the motion.

**FINAL CONSIDERATION – ANNEXATION
NDDOT RIGHTS-OF-WAY (INTERSTATE 94 AND US HIGHWAY 83)**

Chairman Yeager called for final consideration of the annexation of all right-of-way of Interstate 94 from the ordinary high water mark of the Missouri River to the boundary of Sections 19 and 20, Township 139 North, Range 79 West, as described in the right-of-way plats of North Dakota Department of Transportation projects IM-1-094(013)156, I-94-5(1), I-IG-94-5-(1), I-94-5(2), NHU-1-094(082)925 and I-94-5(29)168; and all right-of-way of US Highway 83/ND Highway 1804/State Street from the intersection of said roadway and 57th Avenue NE, which is the corner of Sections 9, 10, 15, and 16, Township 139 North, Range 80 West, to the intersection of said roadway and Interstate 94, as described in the right-of-way plats of North Dakota Department of Transportation projects CMU-1-083(059)088, F-1-083()089, F-1-083()093, F-1-083(037)089, F-281(9), F-281(10), HES-1-083(073)092, SAP-1-083(06)090, and SNH-1-083(061)097.

Mr. Nairn said that State law requires written consent from any State agency prior to annexations and that the properties proposed for annexation have already been considered within City limits, but consent was never formally obtained. He said the purpose of this action is to receive the necessary consent from the North Dakota Department of Transportation.

Mr. Nairn gave an overview of the request, including the following findings:

1. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the annexation at the time the property is developed.
2. The proposed annexation is a logical and contiguous extension of the current corporate

limits of the City of Bismarck.

3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance.
4. The proposed annexation is consistent with the master plan, other adopted plans, policies and accepted planning practice.
5. The proposed annexation would not adversely affect the public health, safety and general welfare.

Mr. Nairn said, based on the findings contained in the staff report, staff recommends approval of the City-initiated annexation of all right-of-way of Interstate 94 from the ordinary high water mark of the Missouri River to the boundary of Sections 19 and 20, Township 139 North, Range 79 West, as described in the right-of-way plats of North Dakota Department of Transportation projects IM-1-094(013)156, I-94-5(1), I-IG-94-5-(1), I-94-5(2), NHU-1-094(082)925 and I-94-5(29)168; and all right-of-way of US Highway 83/ND Highway 1804/State Street from the intersection of said roadway and 57th Avenue NE, which is the corner of sections 9, 10, 15, and 16, Township 139 North, Range 80 West, to the intersection of said roadway and Interstate 94, as described in the right-of-way plats of North Dakota Department of Transportation projects CMU-1-083(059)088, F-1-083()089, F-1-083()093, F-1-083(037)089, F-281(9), F-281(10), HES-1-083(073)092, SAP-1-083(06)090, and SNH-1-083(061)097.

Commissioner Laning asked what is the benefit or non-benefit to the City of Bismarck in completing this annexation. Mr. Nairn said these are areas that are already treated as though they are part of the City, so if an issue were to arise of proper procedures taking place, they could be resolved easier. He said as a public property there will not be taxes involved and maintenance and operations are already determined by an agreement between the State and City, so this annexation should not have a negative impact of any kind.

Chairman Yeager pointed out that the various rights-of-way included in the proposed annexation currently divide the City into three zones, so it makes sense to bring everything together into one.

MOTION: Based on the findings contained in the staff report, Commissioner Lee made a motion to approve the annexation of all right-of-way of Interstate 94 from the ordinary high water mark of the Missouri River to the boundary of Sections 19 and 20, Township 139 North, Range 79 West, as described in the right-of-way plats of North Dakota Department of Transportation projects IM-1-094(013)156, I-94-5(1), I-IG-94-5-(1), I-94-5(2), NHU-1-094(082)925 and I-94-5(29)168; and all right-of-way of US Highway 83/ND Highway 1804/State Street from the intersection of said roadway and 57th Avenue NE, which is the corner of sections 9, 10, 15, and 16, Township 139 North, Range 80 West, to the intersection of said roadway and Interstate 94, as described in the right-of-way plats of North Dakota Department of Transportation projects CMU-1-

083(059)088, F-1-083()089, F-1-083()093, F-1-083(037)089, F-281(9), F-281(10), HES-1-083(073)092, SAP-1-083(06)090, and SNH-1-083(061)097. Commissioner Donahue seconded the motion and the request was unanimously approved with Commissioners Atkinson, Axvig, Donahue, Laning, Lee, Schell and Yeager voting in favor of the motion.

**FINAL CONSIDERATION - ANNEXATION
PUBLIC HEARINGS – ZONING CHANGE AND FINAL PLAT
COTTONWOOD PARKVIEW ADDITION**

Chairman Yeager called for the public hearing on the final plat; the zoning change from the R5-Residential and R10-Residential zoning districts to the R5-Residential, Conditional R10-Residential, RM10-Residential, RM15-Residential, RM30-Residential, Conditional CA-Commercial and P-Public zoning districts; and final consideration of the annexation of Cottonwood Parkview Addition. The proposed plat is 95 lots in seven block on 71.7 acres and is located in south Bismarck, south of Santa Fe Avenue and north of East Burleigh Avenue, along the east side of South Washington Street.

Ms. Wollmuth gave an overview of the request, including the following findings for the annexation:

1. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the annexation at the time the property is developed.
2. The proposed annexation is a logical and contiguous extension of the current corporate limits of the City of Bismarck.
3. The proposed annexation is consistent with the general intent and purpose of the zoning ordinance.
4. The proposed annexation is consistent with the master plan, other adopted plans, policies and accepted planning practice.
5. The proposed annexation would not adversely affect the public health, safety and general welfare.

Ms. Wollmuth then gave the findings for the zoning change:

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended.
2. The proposed zoning change is compatible with adjacent land uses and zoning.

3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed.
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map.
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner.
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Ms. Wollmuth then gave the findings for the final plat:

1. All technical requirements for approval of a final plat have been met.
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission.
3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended.
4. The storm water management plan for the subdivision has been approved by the City Engineer.
5. A draft neighborhood park agreement has been accepted by the Bismarck Parks and Recreation District.
6. The proposed subdivision plat includes sufficient easements and rights-of-way to provide for orderly development and provision of municipal services beyond the boundaries of the subdivision.
7. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed.
8. The proposed subdivision is located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain. However, the subdivision is proposed to be developed according to existing ordinance requirements pertaining to development in the floodplain

and therefore, the proposed development would not adversely impact water quality and/or environmentally sensitive lands.

9. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance.
10. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.
11. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Ms. Wollmtuh said, based on the above findings, staff recommends approval of the annexation, the zoning change from the R5 – Residential and R10 – Residential zoning districts to the R5 – Residential zoning district for Lots 1-27, Block 5, Conditional R10-Residential zoning district for Lots 4-9, Block 1, and all of Blocks 4 and 6, RM10-Residential zoning district for all of Block 2, RM15 – Residential zoning district for all of Block 3, RM30 – Residential zoning district for Lot 3, Block 1, Conditional CA – Commercial for Lots 1-2, Block 1 and P – Public zoning district for Lot 28, Block 6 and all of Blocks 7 and 8; and the final plat of Cottonwood Parkview Addition, with the following conditions:

1. A development agreement is entered into that clarifies triggers that would require the City to pursue the acquisition/donation of the stormwater land and construction of the pond and lift station prior to forwarding the proposed requests to the City Commission for consideration.
2. Development of Lots 4-9, Block 1; and all of Blocks 4 and 6 is limited to two-family dwellings.
3. The total building height for buildings located on Lots 1 and 2, Block 1, shall be limited to two stories.
4. All exterior lighting on Lots 1 and 2, Block 1, shall be designed and installed in a manner intended to limit the amount of off-site impacts to the adjacent residential uses.
5. Illuminated signs on Lots 1 and 2, Block 1, will be designed and installed in a manner intended to limit the amount of off-site impacts to the adjacent residential uses and will be directed west toward South Washington Street.
6. The proposed buildings on Lots 1 and 2, Block 1, will be designed and constructed to create and maintain a high visual quality and appearance that is comparable and complementary to the adjacent residential uses.

Chairman Yeager opened the public hearing.

Michael Gunsch, Houston Engineering, said City staff has worked hard on these requests and that is very much appreciated. He said the existing stormwater issues between the Cottonwood Parkview Addition owner and the owner to the south of this property were collaboratively working to resolve the stormwater issues and it has taken about three years to

get to where they are now. He said everybody involved is agreeable to the proposed conditions as well.

There being no further comments, Chairman Yeager closed the public hearing.

Ms. Wollmuth said comments were received from one adjacent property owner in opposition of the zoning change and with concerns regarding the discharge of stormwater from the property. These comments are attached as Exhibit A.

MOTION: Based on the findings contained in the staff report, Commissioner Lee made a motion to recommend approval of the annexation, the zoning change from the R5 – Residential and R10 – Residential zoning districts to the R5 – Residential zoning district for Lots 1-27, Block 5, Conditional R10- Residential zoning district for Lots 4-9, Block 1, and all of Blocks 4 and 6, RM10- Residential zoning district for all of Block 2, RM15 – Residential zoning district for all of Block 3, RM30 – Residential zoning district for Lot 3, Block 1, Conditional CA – Commercial for Lots 1-2, Block 1 and P – Public zoning district for Lot 28, Block 6 and all of Blocks 7 and 8; and the final plat of Cottonwood Parkview Addition, with the following conditions: 1. A development agreement is entered into that clarifies triggers that would require the City to pursue the acquisition/donation of the stormwater land and construction of the pond and lift station prior to forwarding the proposed requests to the City Commission for consideration; 2. Development of Lots 4-9, Block 1; and all of Blocks 4 and 6 is limited to two-family dwellings; 3. The total building height for buildings located on Lots 1 and 2, Block 1, shall be limited to two stories; 4. All exterior lighting on Lots 1 and 2, Block 1, shall be designed and installed in a manner intended to limit the amount of off-site impacts to the adjacent residential uses; 5. Illuminated signs on Lots 1 and 2, Block 1, will be designed and installed in a manner intended to limit the amount of off-site impacts to the adjacent residential uses and will be directed west toward South Washington Street; and 6. The proposed buildings on Lots 1 and 2, Block 1, will be designed and constructed to create and maintain a high visual quality and appearance that is comparable and complementary to the adjacent residential uses. Commissioner Atkinson seconded the motion and the request was unanimously approved with Commissioners Atkinson, Axvig, Donahue, Laning, Lee, Schell and Yeager voting in favor of the motion.

PUBLIC HEARING –FINAL PLAT FREEDOM RANCH SUBDIVISION

Chairman Yeager called for the public hearing on the final plat for Freedom Ranch Subdivision. The proposed plat is one lot on 13.21 acres and is located northwest of Bismarck, west of River Road, south of Sandy River Drive and approximately 650 feet south of the termination of the improved portion of Fernwood Drive.

Mr. Hutchings gave an overview of the request, including the following findings for the final plat:

1. All technical requirements for approval of a final plat have been met.
2. The final plat generally conforms to the preliminary plat for the proposed subdivision that was tentatively approved by the Planning and Zoning Commission.
3. The proposed subdivision generally conforms to the 2014 Fringe Area Road Master Plan, as amended.
4. The stormwater management plan for the subdivision has been approved by the City Engineer with written concurrence from the County Engineer.
5. The provision of neighborhood parks and open space is not needed because the proposed final plat is not an urban subdivision with residential zoning districts.
6. The Hay Creek Township Board of Supervisors has recommended approval of the proposed preliminary plat but has not yet recommended approval of the proposed final plat.
7. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the proposed subdivision at the time the property is developed.
8. The proposed subdivision is located within the Special Flood Hazard Area (SFHA), also known as the 100-year floodplain. However, the subdivision is proposed to be developed according to existing ordinance requirements pertaining to development in the floodplain and therefore, the proposed development would not adversely impact water quality and/or environmentally sensitive lands,
9. The proposed subdivision is consistent with the general intent and purpose of the zoning Ordinance.
10. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.
11. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Mr. Hutchings said, based on the findings contained in the staff report, staff recommends holding the public hearing, but continuing action until the March 22nd meeting on the final plat of Freedom Ranch Subdivision to provide the Hay Creek Township Board of Supervisors additional time to review and provide a recommendation on the proposed final plat. He said the Township commented on the original two-lot version of the plat, but not the current one-lot version or how access would be provided.

Chairman Yeager opened the public hearing.

Deb Knutson, 3747 Sandy River Drive, asked where the main access point to the subdivision would be. Mr. Hutchings said access would be from Sandy River Drive, south on an existing access easement, west on a 20-foot access easement on the north side of the adjacent 40-acre lot and then into the subdivision.

Ms. Knutson asked if Fernwood Drive will be extended in the future. Mr. Hutchings said it is planned to be, but not immediately, as Burleigh County has stated that would not be possible right away.

Ms. Knutson said she also has concerns of construction equipment and other traffic in general being able to make the narrow turn in order to access the property.

There being no further comments, Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Atkinson made a motion to continue action on the final plat of Freedom Ranch Subdivision to the March 22nd meeting to provide the Hay Creek Board of Supervisors time to review and provide a recommendation on the proposed final plat. Commissioner Laning seconded the motion and the request was unanimously approved with Commissioners Atkinson, Axvig, Donahue, Laning, Lee, Schell and Yeager voting in favor of the motion.

PUBLIC HEARING – MINOR SUBDIVISION FINAL PLAT SOUTH MEADOWS ADDITION FIRST REPLAT

Chairman Yeager called for the public hearing on the minor subdivision final plat for South Meadows Addition First Replat. The proposed plat is 11 lots on 2.3 acres and is located in south Bismarck, south of West Burleigh Avenue and west of South Washington Street (replat of Lot 22, Block 3, South Meadows Addition).

Mr. Hutchings gave an overview of the request, including the following findings for the minor subdivision final plat:

1. All technical requirements for approval of a minor subdivision final plat have been met.
2. The requirement to provide a stormwater management plan has been waived by the City Engineer, as this area was covered by the plan approved for the underlying subdivision.
3. The proposed subdivision is consistent with the general intent and purpose of the zoning ordinance.
4. The proposed subdivision is consistent with the master plan, other adopted plans, policies and accepted planning practice.

5. The proposed subdivision would not adversely affect the public health, safety and general welfare.

Mr. Hutchings said, based on the findings contained in the staff report, staff recommends approval of the minor subdivision final plat for South Meadows Addition First Replat, with the following condition:

1. Homeowner Association documents must be filed assigning common ownership and maintenance of Lot 7 in conjunction with the final plat.

Chairman Yeager opened the public hearing.

There being no comments, Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Donahue made a motion to approve the minor subdivision final plat for South Meadows Addition First Replat, with the following condition: 1. Homeowner Association documents must be filed assigning common ownership and maintenance of Lot 7 in conjunction with the final plat. Commissioner Lee seconded the motion and the request was unanimously approved with Commissioners Atkinson, Axvig, Donahue, Laning, Lee, Schell and Yeager voting in favor of the motion.

**PUBLIC HEARING – ZONING CHANGE
AUDITOR’S LOT 7 AND AUDITOR’S LOT 8B OF AUDITOR’S LOT 8 OF THE
SE1/4 OF SECTION 1, T138N-R80W/LINCOLN TOWNSHIP**

Chairman Yeager called for the public hearing on a zoning change from the A-Agriculture zoning district to the Conditional MA-Industrial zoning district for Auditor’s Lots 7 and Auditor’s Lot 8B of Auditor’s Lot 8 of the SE ¼ of Section 1, T138N-R80W/Lincoln Township. The property is located east of Bismarck, between County Highway 10/East Main Avenue and Apple Creek Road, along the west side of 52nd Street SE.

Ms. Wollmuth gave an overview of the request, including the following findings:

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended.
2. The proposed zoning change is compatible with adjacent land uses and zoning.
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed.
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map.

5. The zoning change is in the public interest and is not solely for the benefit of a single property owner.
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Ms. Wollmuth said, based on the above findings, staff recommends approval of the zoning change from the A – Agriculture zoning district to the Conditional MA – Industrial zoning district for Auditor’s Lots 7 and Auditor’s Lot 8B of Auditor’s Lot 8 of the SE ¼ of Section 1, T138N-R80W/Lincoln Township.

Ms. Wollmuth said she did receive two calls from adjacent property owners who neither supported nor opposed the request, but just wanted to know why it is being proposed.

Chairman Yeager opened the public hearing.

There being no comments, Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Lee made a motion to recommend approval of the zoning change from A – Agriculture zoning district to the Conditional MA – Industrial zoning district for Auditor’s Lots 7 and Auditor’s Lot 8B of Auditor’s Lot 8 of the SE ¼ of Section 1, T138N-R80W/Lincoln Township. Commissioner Donahue seconded the motion and the request was unanimously approved with Commissioners Atkinson, Axvig, Donahue, Laning, Lee, Schell and Yeager voting in favor of the motion.

**PUBLIC HEARING – ZONING CHANGE
LOTS 1-6, BLOCK 5, ROLLING HILLS 1ST ADDITION (SIMLE MIDDLE
SCHOOL)**

Chairman Yeager called for the public hearing on a zoning change from the RM30-Residential zoning district to the P-Public zoning district for Lots 1-6, Block 5, Rolling Hills 1st Addition. The property is located in central Bismarck, north of East Boulevard Avenue and west of North 19th Street, directly east of the existing site of Simle Middle School.

Mr. Nairn gave an overview of the request, including the following findings:

1. The proposed zoning change generally conforms to the Future Land Use Plan in the 2014 Growth Management Plan, as amended.

2. The proposed zoning change is compatible with adjacent land uses and zoning.
3. The City of Bismarck and other agencies would be able to provide necessary public services, facilities and programs to serve any development allowed by the new zoning classification at the time the property is developed.
4. The proposed zoning change is justified by a change in conditions since the previous zoning classification was established or by an error in the zoning map.
5. The zoning change is in the public interest and is not solely for the benefit of a single property owner.
6. The proposed zoning change is consistent with the general intent and purpose of the zoning ordinance.
7. The proposed zoning change is consistent with the master plan, other adopted plans, policies and accepted planning practice.
8. The proposed zoning change would not adversely affect the public health, safety, and general welfare.

Mr. Nairn said, based on the above findings, staff recommends approval of the zoning change from the RM30 – Residential zoning district to the P – Public zoning district for Lots 1-6, Block 5, Rolling Hills 1st Addition.

Chairman Yeager opened the public hearing.

There being no comments, Chairman Yeager closed the public hearing.

MOTION: Based on the findings contained in the staff report, Commissioner Laning made a motion to recommend approval of the zoning change from the RM30 – Residential zoning district to the P – Public zoning district for Lots 1-6, Block 5, Rolling Hills 1st Addition. Commissioner Atkinson seconded the motion and the request was unanimously approved with Commissioners Atkinson, Axvig, Donahue, Laning, Lee, Schell and Yeager voting in favor of the motion.

OTHER BUSINESS

ELECTION OF OFFICERS

Commissioner Atkinson made a motion to re-elect Wayne Yeager as chairman for another term. Commissioner Donahue seconded the motion and, with all other Commissioners voting in favor, Chairman Yeager was elected Chairman for another term.

Commissioner Laning made a motion to re-elect Doug Lee as vice chairman for another term. Commissioner Atkinson seconded the motion and, with all other Commissioners voting in favor, Commissioner Lee was elected Vice Chairman for another term.

AICP CODE OF ETHICS

Ms. Lee distributed Sections A and B of the AICP Code of Ethics and Professional Conduct and explained that these standards apply to all members of the American Institute of Certified Planners. She added that three members of the Planning Division are members of AICP and these standards apply to them, as well as to the other planners in the Division by association. Excerpts from the AICP Code of Ethics and Professional Conduct are attached as Exhibit B.

Chairman Yeager said he feels that Commissioners and professionals all have a code of ethics to follow of one form or another and that the citizens of Bismarck are lucky to have excellent representation.

Ms. Lee said she has also provided those present with a draft of public hearing protocols to potentially be implemented in the future. She said if it is the decision of the Planning and Zoning Commission to adopt the suggested procedures and protocol document, it could be included in the agenda packet for public reference as well. The draft Public Hearing Procedure and Protocol is attached as Exhibit C.

ADJOURNMENT

There being no further business, Chairman Yeager declared the Bismarck Planning & Zoning Commission adjourned at 5:42 p.m. to meet again on March 22, 2017.

Respectfully submitted,

Hilary Balzum
Recording Secretary

Wayne Yeager
Chairman

Hilary Balzum

From: Jenny Wollmuth
Sent: Wednesday, February 22, 2017 2:55 PM
To: Hilary Balzum
Subject: FW: Cottonwood Parkview
Attachments: CottwoodParkview.pdf

Please make copies of email and attachment for all planning commissioners.

Thanks,

Jenny Wollmuth, CFM, Planner
Community Development Department
Planning Division
701.355.1840-Department
701.355.1845-Direct
www.bismarcknd.gov

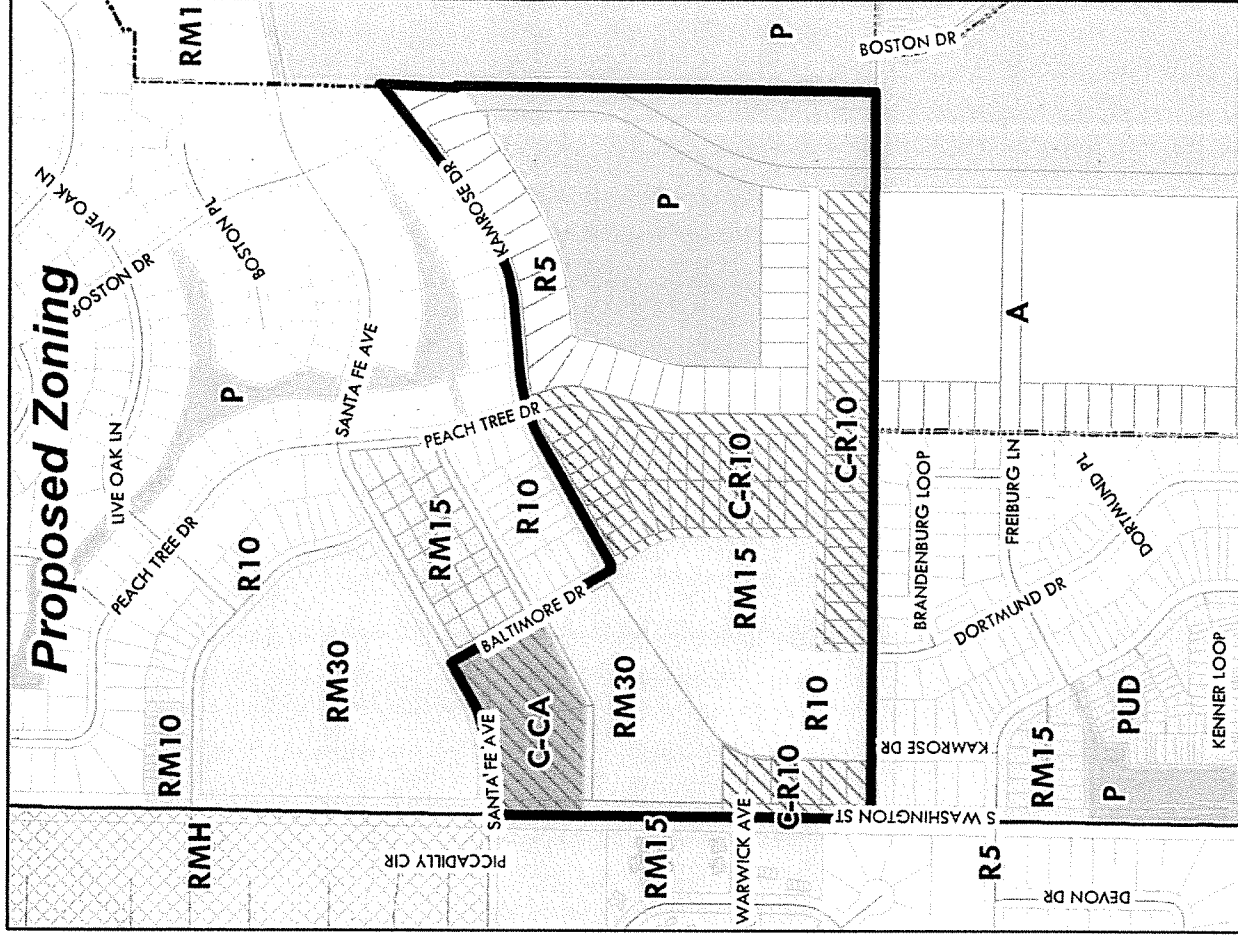
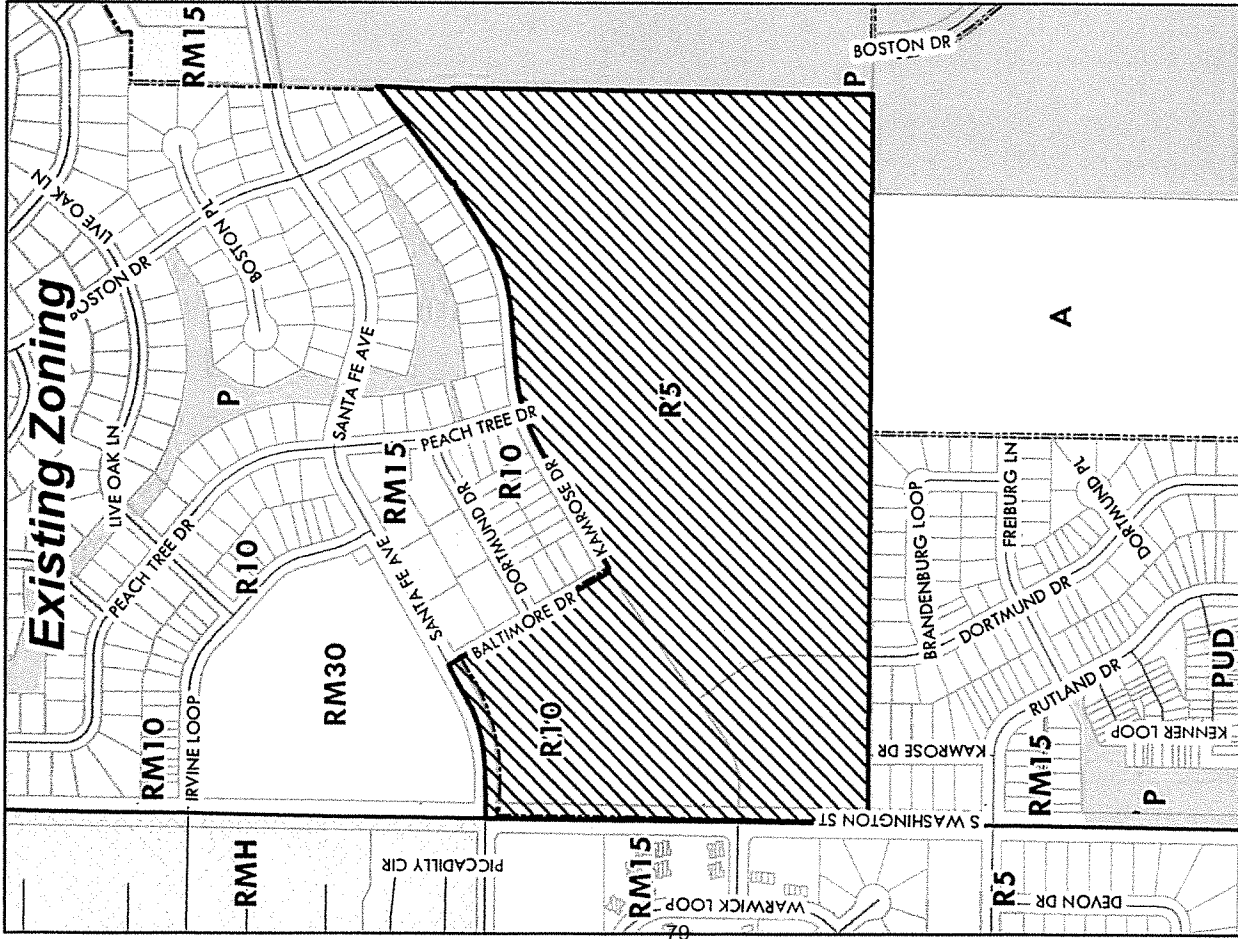
From: Jeff Sattler [mailto: [REDACTED]]
Sent: Wednesday, February 22, 2017 2:52 PM
To: Jenny Wollmuth <jwollmuth@bismarcknd.gov>
Subject: Cottonwood Parkview




The proposed zoning of Cottonwodd Parkview Addition (sheet 1) does not conform to the City of Bismarck Land Use Plat (sheet 2) and I strongly object to Commercial Development within the Southland neighborhood. I also like to see a buffer or a transitinaol zonig between there RM30 and my R10.

I must also insist that you make the Planning Commission aware of the deed (sheet 3) which requires the written consent of Sattler Homes Inc. to discharge storm water into the Southland facilities.

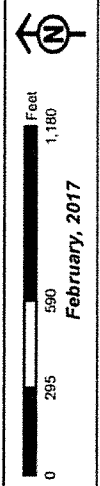
Robb Sattler
Sattler Homes
[REDACTED]

Cottonwood Parkview Addition

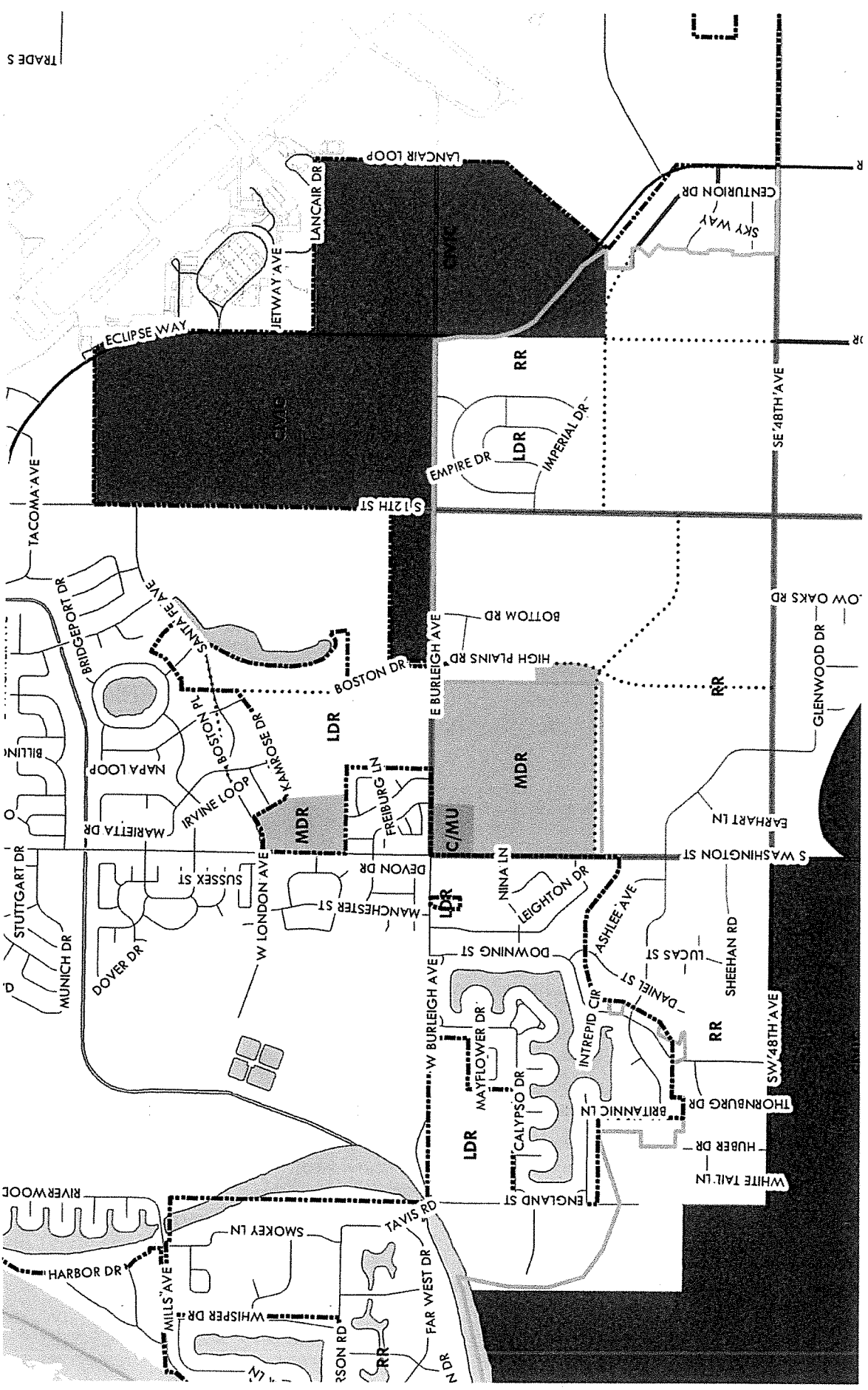


 Area Proposed to Change
  City Limits
  Extraterritorial Area
 47

This map is for representational use only and does not represent a survey. No liability is assumed as to the accuracy of the data delineated hereon.



February, 2017



**818804**\$16.00
Page 1 of 3
1/29/2015 12:46 PM
Burleigh County**WARRANTY DEED**

THIS INDENTURE, Made this 5th day of August, 2014,
between Sattler Family Limited Liability Limited Partnership, also known as Sattler Family
LLLP, grantor, and Bismarck Parks and Recreation District, grantee, whose post office address is -
400 East Front Avenue, Bismarck, ND 58509

WITNESSETH, for and in consideration of the sum of Ten Dollars (\$10.00) and other good
and valuable consideration, grantor does hereby GRANT to the grantee, all of the following real
property lying and being in the County of Burleigh, State of North Dakota, and described as
follows, to-wit:

1365-002-001
LOT 1, BLOCK 2, SATTLER'S SUNRISE EIGHTH ADDITION TO THE CITY
OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA.

31-139-80-0W-08-015
LOT 1B OF LOT 1, BLOCK 8, SATTLER'S SUNRISE SIXTH ADDITION TO
THE CITY OF BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA,
PURSUANT TO THE PLAT FILED FOR RECORD AS DOCUMENT NO.
818208.

1530-064-005
LOT 2, BLOCK 4, SOUTHLAND ADDITION TO THE CITY OF BISMARCK,
BURLEIGH COUNTY, NORTH DAKOTA.

1531-809-180
LOT 37, BLOCK 9, SOUTHLAND SECOND ADDITION TO THE CITY OF
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA.

1531-005-125
LOT 26, BLOCK 5, SOUTHLAND SECOND ADDITION TO THE CITY OF
BISMARCK, BURLEIGH COUNTY, NORTH DAKOTA.

Subject to easements, rights-of-way, restrictive covenants, and mineral
conveyances and reservations of record.

The above described parcels Granted from Sattler Homes Inc. to Bismarck Parks & Recreation
District exist for the combined purpose of construction and maintenance of pedestrian trails,
green space, tree plantings and storm water facilities for Southland First Addition and Southland
Second Addition. The storm water facilities include underground pipes, storm water inlets and
surface area detention.

These storm water facilities have been designed and will be constructed for the benefit of
Southland First and Southland Second Addition. Any connection or use of said storm water
facilities by properties outside of Southland First Addition and Southland Second Addition is
expressly prohibited without the written consent of Sattler Homes Inc.

AICP Code of Ethics and Professional Conduct

Adopted March 19, 2005

Effective June 1, 2005

Revised April 1, 2016

We, professional planners, who are members of the American Institute of Certified Planners, subscribe to our Institute's Code of Ethics and Professional Conduct. Our Code is divided into five sections:

Section A contains a statement of aspirational principles that constitute the ideals to which we are committed. We shall strive to act in accordance with our stated principles. However, an allegation that we failed to achieve our aspirational principles cannot be the subject of a misconduct charge or be a cause for disciplinary action.

Section B contains rules of conduct to which we are held accountable. If we violate any of these rules, we can be the object of a charge of misconduct and shall have the responsibility of responding to and cooperating with the investigation and enforcement procedures. If we are found to be blameworthy by the AICP Ethics Committee, we shall be subject to the imposition of sanctions that may include loss of our certification.

Section C contains the procedural provisions of the Code that describe how one may obtain either a formal or informal advisory ruling, as well as the requirements for an annual report.

Section D contains the procedural provisions that detail how a complaint of misconduct can be filed, as well as how these complaints are investigated and adjudicated.

Section E contains procedural provisions regarding the forms of disciplinary actions against a planner, including those situations where a planner is convicted of a serious crime or other conduct inconsistent with the responsibilities of a certified planner.

The principles to which we subscribe in Sections A and B of the Code derive from the special responsibility of our profession to serve the public interest with compassion for the welfare of all people and, as professionals, to our obligation to act with high integrity.

As the basic values of society can come into competition with each other, so can the aspirational principles we espouse under this Code. An ethical judgment often requires a conscientious balancing, based on the facts and context of a particular situation and on the precepts of the entire Code.

As Certified Planners, all of us are also members of the American Planning Association and share in the goal of building better, more inclusive communities. We want the public to be aware of the principles by which we practice our profession in the quest of that goal. We sincerely hope that the public will respect the commitments we make to our employers and clients, our fellow professionals, and all other persons whose interests we affect.

3. Our Responsibility to Our Profession and Colleagues

We shall contribute to the development of, and respect for, our profession by improving knowledge and techniques, making work relevant to solutions of community problems, and increasing public understanding of planning activities.

- a) We shall protect and enhance the integrity of our profession.
- b) We shall educate the public about planning issues and their relevance to our everyday lives.
- c) We shall describe and comment on the work and views of other professionals in a fair and professional manner.
- d) We shall share the results of experience and research that contribute to the body of planning knowledge.
- e) We shall examine the applicability of planning theories, methods, research and practice and standards to the facts and analysis of each particular situation and shall not accept the applicability of a customary solution without first establishing its appropriateness to the situation.
- f) We shall contribute time and resources to the professional development of students, interns, beginning professionals, and other colleagues.
- g) We shall increase the opportunities for members of underrepresented groups to become professional planners and help them advance in the profession.
- h) We shall continue to enhance our professional education and training.
- i) We shall systematically and critically analyze ethical issues in the practice of planning.
- j) We shall contribute time and effort to groups lacking in adequate planning resources and to voluntary professional activities.

8. We shall not, as public officials or employees, engage in private communications with planning process participants if the discussions relate to a matter over which we have authority to make a binding, final determination if such private communications are prohibited by law or by agency rules, procedures, or custom.
9. We shall not engage in private discussions with decision makers in the planning process in any manner prohibited by law or by agency rules, procedures, or custom.
10. We shall neither deliberately, nor with reckless indifference, misrepresent the qualifications, views and findings of other professionals.
11. We shall not solicit prospective clients or employment through use of false or misleading claims, harassment, or duress.
12. We shall not misstate our education, experience, training, or any other facts which are relevant to our professional qualifications.
13. We shall not sell, or offer to sell, services by stating or implying an ability to influence decisions by improper means.
14. We shall not use the power of any office to seek or obtain a special advantage that is not a matter of public knowledge or is not in the public interest.
15. We shall not accept work beyond our professional competence unless the client or employer understands and agrees that such work will be performed by another professional competent to perform the work and acceptable to the client or employer.
16. We shall not accept work for a fee, or pro bono, that we know cannot be performed with the promptness required by the prospective client, or that is required by the circumstances of the assignment.
17. We shall not use the product of others' efforts to seek professional recognition or acclaim intended for producers of original work.
18. We shall not direct or coerce other professionals to make analyses or reach findings not supported by available evidence.
19. We shall not fail to disclose the interests of our client or employer when participating in the planning process. Nor shall we participate in an effort to conceal the true interests of our client or employer.
20. We shall not unlawfully discriminate against another person.
21. We shall not withhold cooperation or information from the AICP Ethics Officer or the AICP Ethics Committee if a charge of ethical misconduct has been filed against us.
22. We shall not retaliate or threaten retaliation against a person who has filed a charge of ethical misconduct against us or another planner, or who is cooperating in the Ethics Officer's investigation of an ethics charge.

BISMARCK PLANNING AND ZONING COMMISSION PUBLIC HEARING PROCEDURE AND PROTOCOL

All public hearings before the Bismarck Planning and Zoning Commission will follow the same basic format. This outline has been prepared to help you understand the procedure and protocol.

1. The Chair of the Planning and Zoning Commission will introduce the item on the agenda and ask staff to present the staff report.
2. The Planner assigned to the file will present the staff report on the item. The presentation will be an overview of the written staff report included in the agenda packet, which is posted on the City's website by the end of the day on the Friday before the meeting.
3. The members of the Planning and Zoning Commission may ask staff questions about the request itself or staff's recommendation.
4. The Chair of the Planning and Zoning Commission will then open the public hearing on the request and ask if anyone would like to speak to the Commission.
5. The applicant or his or her designated agent is usually given the courtesy of speaking first to outline the proposal and/or clarify any information presented by staff. The applicant may speak at this time or wait until others have spoken.
6. The public hearing is then opened to the public to voice their support, opposition or to ask questions about the proposal. Please write your name and address on the sign-in sheet, step up to the podium, speak clearly, state both your first and last names and your address, then your comments. Speaking over the microphone rather than directly into it will provide the best audio quality. Also, please avoid tapping or banging the podium, as the microphone amplifies the sound. Your comments as well as any materials distributed to the Planning and Zoning Commissioners at this time will be made part of the public record. If you would prefer to provide written materials to staff at the beginning of the meeting, we will distribute the materials to the Commission for you.
7. Please be respectful of the Planning and Zoning Commissioners, staff and others speaking on the request. Personal attacks against the applicant or others, clapping/cheering or booing speakers is not acceptable. Staff and the applicant will only respond to questions from the Planning and Zoning Commissioners, not questions directly from those speaking at the public hearing.
8. Everyone who wishes to speak will be given a chance to speak; however, at larger public hearings, the Chair may ask speakers to limit their time at the podium to five minutes, not repeat previous testimony/comments and only speak once. Members of the Planning and Zoning Commission may ask questions of those speaking, but may also listen and deliberate after the hearing is closed.
9. After everyone in the audience wishing to speak has given his or her comments, the Chair will close the public hearing portion of the meeting. No additional comments from the public are allowed after the hearing has been closed. At this point, the Chair will ask staff if they have any additional information or final comments.
10. The Planning and Zoning Commissioners will then discuss the proposal. They may ask staff or the applicant additional questions or for clarification of items stated during the public hearing. At the conclusion of the discussion, the Commission will make its recommendation or decision.

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PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 2/2017

*****City*****

*****ETA*****

	2/2017		2/2016		2/2017		2/2016	
Census Code	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
SINGLE FAMILY DETACHED	5	\$1,060,323.00	4	\$880,757.30	0	\$0.00	1	\$277,542.00
MANUFACTURED HOMES	1	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
HOSPITALS & INSTITUTIONAL	0	\$0.00	1	\$37,500.00	0	\$0.00	0	\$0.00
OFFICE; BANK; & PROFESSIONAL BUILDINGS	0	\$0.00	1	\$45,000.00	0	\$0.00	0	\$0.00
RETAIL SALES	0	\$0.00	1	\$56,000.00	0	\$0.00	0	\$0.00
OTHER NEW	1	\$2,098,983.00	0	\$0.00	0	\$0.00	0	\$0.00
ROOM ADDITIONS	2	\$6,013.50	1	\$45,143.00	1	\$58,989.00	2	\$49,626.00
RESIDENTIAL GARAGES	0	\$0.00	0	\$0.00	0	\$0.00	1	\$50,400.00
DECKS PORCHES & COVERED PATIOS	0	\$0.00	1	\$2,520.00	0	\$0.00	0	\$0.00
OTHER	1	\$20,000.00	7	\$108,549.00	0	\$0.00	0	\$0.00
HOME OCCUPATION	1	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
BASEMENT FINISH	16	\$78,032.50	22	\$98,785.75	7	\$71,831.50	6	\$29,640.00
COMMERCIAL BUILDINGS	10	\$924,865.00	8	\$1,855,229.00	0	\$0.00	0	\$0.00
RESIDENTIAL	1	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
COMMERCIAL	1	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
MISC TEMPORARY STRUCTURES	1	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
NEW SIGN PERMITS	4	\$20,628.62	13	\$112,274.00	0	\$0.00	0	\$0.00
SIGN ALTERATION	0	\$0.00	2	\$15,000.00	0	\$0.00	0	\$0.00
Total	44	\$4,208,845.62	62	\$3,256,758.05	8	\$130,820.50	10	\$407,208.00

PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 2/2017

*****City*****

*****ETA*****

	2/2017		2/2016		2/2017		2/2016	
Trade Permit Type	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
BUILDING ELECTRIC	67	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRIC ALTERATION	0	\$0.00	112	\$3,785.00	0	\$0.00	0	\$0.00
BUILDING ELECTRIC NEW RESIDENTIAL	0	\$0.00	21	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRIC SERVICE UPGRADE	0	\$0.00	15	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL ACCESSORY	0	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL ELEVATOR	0	\$0.00	8	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL HVAC APPLIANCE	0	\$0.00	4	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL NEW COMMERCIAL	0	\$0.00	11	\$0.00	0	\$0.00	0	\$0.00
BUILDING ELECTRICAL SIGN	0	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
BUILDING MECHANICAL	128	\$875,394.00	0	\$0.00	14	\$67,208.00	0	\$0.00
BUILDING MECHANICAL ALTERATION	0	\$0.00	4	\$27,196.00	0	\$0.00	1	\$200.00
BUILDING MECHANICAL FIREPLACE	0	\$0.00	14	\$52,450.00	0	\$0.00	0	\$0.00
BUILDING MECHANICAL HVAC APPLIANCE	0	\$0.00	18	\$125,091.00	0	\$0.00	5	\$31,797.00
BUILDING MECHANICAL NEW CONSTRUCTION	0	\$0.00	31	\$568,333.00	0	\$0.00	7	\$85,765.00
BUILDING MECHANICAL WATER HEATER	0	\$0.00	25	\$33,257.50	0	\$0.00	2	\$3,525.00
BUILDING PLUMBING	13	\$149,306.00	15	\$268,307.00	1	\$300.00	2	\$20,000.00
Total	208	\$1,024,700.00	280	\$1,078,419.50	15	\$67,508.00	17	\$141,287.00

**PERMIT ACTIVITY REPORT - MTD
DATE SELECTION 2/2017**

	*****City*****		*****ETA*****	
	2/2017	2/2016	2/2017	2/2016
Living Units	Units	Units	Units	Units
OTHER NEW	0	0	0	0
MANUFACTURED HOMES	1	0	0	0
SINGLE FAMILY DETACHED	5	4	0	1
Total	6	4	0	1

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PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 2/2017

*****City*****

*****ETA*****

	2/2017		2/2016		2/2017		2/2016	
Census Code	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
SINGLE FAMILY DETACHED	6	\$1,290,693.00	5	\$1,009,865.30	0	\$0.00	1	\$277,542.00
ROWHOUSE (2) 1-HR FIRE SEPARATION	0	\$0.00	8	\$1,456,704.00	0	\$0.00	0	\$0.00
MANUFACTURED HOMES	2	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
MOBILE HOME EXTRAS	0	\$0.00	1	\$1,800.00	0	\$0.00	0	\$0.00
NON-STRUCTURAL DEVELOPMENT	2	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
CHURCHES & RELIGIOUS	0	\$0.00	1	\$99,622.00	0	\$0.00	0	\$0.00
INDUSTRIAL BUILDINGS	0	\$0.00	4	\$17,000.00	0	\$0.00	0	\$0.00
HOSPITALS & INSTITUTIONAL	0	\$0.00	3	\$122,500.00	0	\$0.00	0	\$0.00
OFFICE; BANK; & PROFESSIONAL BUILDINGS	1	\$70,565.00	2	\$135,000.00	0	\$0.00	0	\$0.00
RETAIL SALES	0	\$0.00	2	\$98,600.00	0	\$0.00	0	\$0.00
OTHER NEW	2	\$2,177,983.00	0	\$0.00	0	\$0.00	0	\$0.00
ROOM ADDITIONS	4	\$88,854.50	2	\$68,396.75	1	\$58,989.00	2	\$49,626.00
RESIDENTIAL GARAGES	0	\$0.00	0	\$0.00	0	\$0.00	1	\$50,400.00
DECKS PORCHES & COVERED PATIOS	3	\$13,020.00	6	\$19,080.00	0	\$0.00	0	\$0.00
OTHER	6	\$306,300.00	12	\$251,196.00	1	\$2,500.00	1	\$3,600.00
HOME OCCUPATION	4	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
BASEMENT FINISH	29	\$129,099.75	43	\$204,840.00	13	\$113,546.00	9	\$48,737.85
COMMERCIAL BUILDINGS	30	\$2,204,015.00	24	\$3,850,429.00	0	\$0.00	0	\$0.00
OFFICE BUILDINGS	0	\$0.00	1	\$7,500.00	0	\$0.00	0	\$0.00
RESIDENTIAL	2	\$0.00	0	\$0.00	0	\$0.00	0	\$0.00
COMMERCIAL	1	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
MISC TEMPORARY STRUCTURES	1	\$0.00	1	\$0.00	0	\$0.00	0	\$0.00
NEW SIGN PERMITS	9	\$77,298.49	27	\$310,296.02	0	\$0.00	0	\$0.00

**PERMIT ACTIVITY REPORT - YTD
DATE SELECTION 2/2017**

*****City*****

*****ETA*****

	2/2017		2/2016		2/2017		2/2016	
Census Code	Permits	Valuations	Permits	Valuations	Permits	Valuations	Permits	Valuations
SIGN ALTERATION	0	\$0.00	4	\$34,564.46	0	\$0.00	0	\$0.00
Total	102	\$6,357,828.74	150	\$7,687,393.53	15	\$175,035.00	14	\$429,905.85